

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) No. 19 CR 00486  
 )  
ROBERT ANTHONY HAAS, ) Chicago, Illinois  
 ) August 6, 2020  
Defendant. ) 8:54 a.m.

VOLUME 4

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE EDMOND E. CHANG, and a Jury

APPEARANCES:

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1 (Proceedings heard in open court. Jury out.)

2 THE CLERK: 19 CR 486, USA versus Robert Anthony  
3 Haas.

4 THE COURT: Okay. Let's get appearances from the  
5 government.

6 MR. JONAS: Good morning, your Honor. Barry Jonas  
7 for the United States.

8 MS. KELLY: Erin Kelly for the United States.

9 THE COURT: And then Mr. Haas?

10 THE DEFENDANT: Robert Haas.

11 THE COURT: And Ms. Singer?

12 MS. SINGER: Dena Singer.

13 THE COURT: All right. Good morning.

14 THE DEFENDANT: Good morning.

15 THE COURT: Okay. We've dropped off copies of the  
16 final instructions and the order accompanying the final  
17 instructions to Mr. Haas. And I also believe we provided to  
18 Mr. Haas a copy of the clean second superseding indictment,  
19 clean in the sense that it's not signed by the grand jury so  
20 that the -- this regular jury does not know that a grand jury  
21 signed off on the indictment. So that indictment goes back to  
22 the jurors as well.

23 Let's see. And is there anything for the record?

24 MR. JONAS: Your Honor, just that I went through some  
25 of the jury instructions. I didn't go through all of them. I

1 did notice a typo in one of them.

2 THE COURT: All right. Which one?

3 MR. JONAS: This is Page 23, elements of transmitting  
4 a threat in interstate commerce. Element 3, the second line  
5 has the word "that" twice.

6 THE COURT: Okay. Right. Thank you. I'll try to  
7 skip over that when I read. Some day I will have a typo-free  
8 set of jury instructions, but today is not that day.

9 All right. Anything else for the record?

10 MR. JONAS: No, your Honor.

11 THE COURT: And Mr. Haas, anything?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: All right. I did test the JERS computer  
14 display system for exhibits for deliberations in the  
15 ceremonial courtroom yesterday afternoon. It is plenty loud  
16 for the audio. It's actually very, very loud to the point  
17 where I will make sure that the court security officer just  
18 kind of shoos people away in the hallway there.

19 All right. And I did want to make sure, Mr. Haas,  
20 that it is not appropriate to read from case law during  
21 closing arguments. It is fine for you to quote the  
22 instructions as I said yesterday, but you can't read case law.  
23 All right. Do you understand?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Okay. Let's grab the jury.

1 (Proceedings heard in open court. Jury in.)

2 THE COURT: All right. Please be seated.

3 Good morning, ladies and gentlemen. Welcome back.

4 So the way we'll proceed today is first, I will read to you  
5 most of the instructions of law with just a couple that I'll  
6 read after the closing arguments. So first, I'll read  
7 instructions of law. And this way you'll at least get a  
8 chance to hear these instructions of law before the parties  
9 argue. And it will, I think, aid in understanding the  
10 parties' arguments.

11 Then the government will give what we call an opening  
12 close, like the first closing argument. Then Mr. Haas will  
13 have an opportunity to deliver his closing argument. And then  
14 the government will have a rebuttal closing argument. And  
15 then I'll read the last couple of instructions, and then we  
16 can get you going on deliberating.

17 I will now instruct you on the law that you must  
18 follow in deciding this case. I will also give each of you a  
19 paper copy of these instructions to use in the jury room, so  
20 you don't have to furiously try to copy this down.

21 You must follow all of my instructions about the law,  
22 even if you disagree with them. This includes the  
23 instructions I gave you before the trial, any instructions  
24 that I gave you during the trial, and the instructions I am  
25 giving you now.

1           As jurors, you have two duties. Your first duty is  
2 to decide the facts from the evidence that you saw and heard  
3 here in court. This is your job, not my job or anyone else's  
4 job. Your second duty is to take the law as I give it to you,  
5 apply it to the facts, and decide if the government has proved  
6 the defendant guilty beyond a reasonable doubt.

7           You must perform these duties fairly and impartially.  
8 Do not let sympathy, prejudice, fear, or public opinion  
9 influence you. In addition, do not let any witness' race,  
10 color, religion, national origin, or gender influence you in  
11 deciding whether that witness is credible.

12           You must not take anything I said or did during the  
13 trial as indicating that I have an opinion about the evidence  
14 or about what I think your verdict should be.

15           The charges against the defendant are in a document  
16 called an indictment. And again, each of you will have a  
17 paper copy of the indictment during your deliberations. The  
18 indictment in this case charges that the defendant -- charges  
19 the defendant with threatening to assault and murder federal  
20 law enforcement officers and interfere with the law  
21 enforcement officers while engaged in the performance of their  
22 official duties with the intent to retaliate against the  
23 officers on account of the performance of their official  
24 duties.

25           The indictment is -- all right. Okay. So as I

1 mentioned to the parties before you came in here, some day  
2 I'll have a typo-free set of jury instructions. That is not  
3 today. So there is a second set of charges that charges that  
4 the defendant knowingly transmitted in interstate commerce a  
5 threat, and so we'll get jury instructions on that as well.

6 The indictment is simply the formal way of telling  
7 the defendant what crimes he's accused of committing. It is  
8 not evidence that the defendant is guilty. It does not even  
9 raise a suspicion of guilt.

10 As you know, the defendant, Robert Haas, decided to  
11 represent himself at trial. He has a constitutional right to  
12 do so. His decision to represent himself has no bearing  
13 whatsoever on whether he is guilty or not guilty, and it must  
14 not affect your consideration of the case. That the defendant  
15 has decided to represent himself should not weigh in favor of  
16 or against the defendant or the government.

17 I appointed a licensed attorney, Ms. Dena Singer, to  
18 serve as standby counsel. This means that Ms. Singer was  
19 available to give advice to the defendant.

20 Because the defendant decided to act as his own  
21 lawyer, you heard him speak at various times during the trial.  
22 He made an opening statement. He's about to make a closing  
23 argument after the government delivers its opening argument.  
24 He asked questions of witnesses. He made objections and  
25 argued to the Court.

1           I want to remind you that when the defendant was  
2 speaking in those parts of the trial, he was acting as his own  
3 lawyer, and what he said was not evidence. The only evidence  
4 in this case comes from witnesses who testify under oath on  
5 the witness stand including the defendant himself when he  
6 testified and from exhibits that I allowed into evidence.

7           The defendant is presumed innocent of the charges.  
8 This presumption continues throughout the case, including  
9 during your deliberations. It is not overcome unless, from  
10 all the evidence in the case, you are convinced beyond a  
11 reasonable doubt that the defendant is guilty as charged. The  
12 government has the burden of proving the defendant's guilt  
13 beyond a reasonable doubt. This burden of proof stays with  
14 the government throughout the case. The defendant is never  
15 required to prove his innocence. He is not required to  
16 produce any evidence at all.

17           You must make your decision based only on the  
18 evidence that you saw and heard here in court. Do not  
19 consider anything you may have seen or heard outside of court  
20 including anything from the newspaper, television, radio, the  
21 internet, or any other source.

22           This evidence includes -- the evidence includes only  
23 what the witnesses said when they were testifying under oath,  
24 the exhibits that I allowed into evidence, and the  
25 stipulations that the parties agreed to. A stipulation is an



1 agreement that certain facts are true or that a witness would  
2 have given certain testimony.

3           Nothing else is evidence. The lawyers' statements  
4 and arguments are not evidence. If what a lawyer said is  
5 different from the evidence or what Mr. Haas in closing  
6 argument says is different from the evidence as you remember  
7 it, the evidence is what counts. The lawyers' questions and  
8 objections and Mr. Haas' questions and objections likewise are  
9 not evidence.

10           A lawyer or a party has a duty to object if he or she  
11 thinks a question is improper. If I sustained objections to  
12 questions that the lawyers or Mr. Haas asked, you must not  
13 speculate on what the answers might have been.

14           If during the trial I struck testimony or exhibits  
15 from the record or told you to disregard something, you must  
16 not consider it.

17           All right. Considering the evidence: Give the  
18 evidence whatever weight you believe it deserves. Use your  
19 common sense in weighing the evidence in light of your own  
20 everyday experience. People sometimes look at one fact and  
21 conclude from it that another fact exists. This is called an  
22 inference. You are allowed to make reasonable inferences so  
23 long as they are based on the evidence.

24           You may have heard the terms "direct evidence" and  
25 "circumstantial evidence." Direct evidence is evidence that

1 directly proves a fact. Circumstantial evidence is evidence  
2 that indirectly proves a fact. You are to consider both  
3 direct and circumstantial evidence. The law does not say that  
4 one is better than the other. It is up to you to decide how  
5 much weight to give to any evidence whether direct or  
6 circumstantial.

7 Do not make any decisions simply by counting the  
8 number of witnesses who testified about a certain point. What  
9 is important is how truthful and accurate the witnesses were  
10 and how much weight you think their testimony deserves.

11 On the credibility of witnesses, part of your job as  
12 jurors is to decide how believable each witness was and how  
13 much weight to give each witness' testimony including that of  
14 the defendant. You may accept all of what a witness says or  
15 part of it or none of it.

16 Some factors you may consider include: The age of  
17 the witness; the intelligence of the witness; the witness'  
18 ability and opportunity to see, hear, or know the things the  
19 witness testified about; the witness' memory; the witness'  
20 demeanor; whether the witness had any bias, prejudice, or  
21 other reason to lie or slant the testimony; the truthfulness  
22 and accuracy of the witness' testimony in light of the other  
23 evidence presented; and inconsistent or consistent statements  
24 or conduct by the witness.

25 Limited purpose of certain evidence: You heard

1 evidence about alleged uncharged statements and alleged  
2 uncharged conduct of the defendant. That evidence must be  
3 considered only for whether or not the government has met its  
4 burden of proving the elements of the offenses. More  
5 specifically, you may consider or not consider -- it is up to  
6 you based on the evidence -- the uncharged statements and  
7 uncharged conduct as evidence of the defendant's motive,  
8 intent, knowledge, or identity. That is all. Nothing else.

9           You also heard evidence of the defendant's beliefs  
10 about the federal government, the Jewish religion, and other  
11 topics. You might or might not agree with those beliefs.  
12 Your agreement or disagreement with those beliefs must not be  
13 considered in making your decisions about this case. Instead,  
14 the evidence must be considered only for whether or not the  
15 government has met its burden of proving the elements of the  
16 offenses. More specifically, you may consider -- or not  
17 consider, it is up to you based on the evidence -- the  
18 defendant's beliefs as evidence of the defendant's motive or  
19 intent.

20           It is proper for an attorney to interview any witness  
21 in preparation for trial.

22           You have heard testimony and received evidence that  
23 the defendant made statements to David Noordeloos of the State  
24 Department, Rick Mullen of the Illinois State Police, Joseph  
25 Kostuchowski, who was an FBI task force officer, and

1 Christopher Potts of the FBI. You must decide whether the  
2 defendant actually made the statement and, if so, how much  
3 weight to give the statement. In making these decisions, you  
4 should consider all of the evidence including the defendant's  
5 personal characteristics and circumstances under which the  
6 statements may have been made.

7           You have heard recorded conversations and seen video  
8 recordings. This is proper evidence that you should consider  
9 together with and in the same way you consider the other  
10 evidence.

11           You were also shown transcripts of the conversations  
12 to help you follow the recordings as you listened to them.  
13 The recordings are the evidence of what was said and who said  
14 it. The transcripts are not evidence. If you noticed any  
15 differences between what you heard in a conversation and what  
16 you read in the transcripts, your understanding of the  
17 recording is what matters. In other words, you must rely on  
18 what you heard, not what you read. And if you could not hear  
19 or understand certain parts of a recording, you must ignore  
20 the transcripts as far as those parts are concerned.

21           I am providing you with the recordings and a device  
22 with instructions on its use. And after closing arguments,  
23 I'll go into the ceremonial courtroom with you and show you  
24 how to use it. The audio system is actually much louder in  
25 there, and that might aid you.

1           It is up to you to decide whether to listen to the  
2 recordings during your deliberations. You may, if you wish,  
3 rely on your recollections of what you heard during the trial.

4           If you have taken notes during the trial, you may use  
5 them during deliberations to help you remember what happened  
6 during the trial. You should use your notes only as aids to  
7 your memory. The notes are not evidence. All of you should  
8 rely on your independent recollection of the evidence, and you  
9 should not be unduly influenced by the notes of other jurors.  
10 Notes are not entitled to any more weight than the memory or  
11 impressions of each juror.

12           The indictment charges that the crimes happened on or  
13 about particular dates. The government must prove that the  
14 crime happened reasonably close to the date. The government  
15 is not required to prove that the crime happened on the exact  
16 date.

17           The defendant has been accused of more than one  
18 crime. The number of charges is not evidence of guilt and  
19 should not influence your decision. You must consider each  
20 charge and the evidence concerning each charge separately.  
21 Your decision on one charge, whether it is guilty or not  
22 guilty, should not influence your decision on any other  
23 charge.

24           In deciding your verdict, you should not consider the  
25 possible punishment for the defendant who is on trial. If you

1 decide that the government has proved the defendant guilty  
2 beyond a reasonable doubt, then it will be my job to decide on  
3 the appropriate punishment.

4           Okay. On the elements of threatening a federal law  
5 enforcement officer, that's Counts 1 through 5 of the  
6 indictment, in order for you to find the defendant guilty of  
7 these charges, the government must prove each of the following  
8 elements as to each count beyond a reasonable doubt. There  
9 are three of them:

10           First, the defendant made a true threat to assault or  
11 murder a federal law enforcement officer; and the defendant  
12 must have either intended to communicate a true threat or knew  
13 that the communication would be perceived as a true threat;  
14 and the defendant acted with the intent to impede, intimidate,  
15 or interfere with such law enforcement officer while he was  
16 engaged in his official duties or with the intent to retaliate  
17 against such law enforcement officer on account of the  
18 performance of his official duties.

19           If you find from your consideration of all the  
20 evidence that the government has proved each of these elements  
21 beyond a reasonable doubt as to the charge you are  
22 considering, then you should consider -- then you should find  
23 the defendant guilty of that charge.

24           If, on the other hand, you find from your  
25 consideration of all the evidence that the government has

1 failed to prove any one of these elements beyond a reasonable  
2 doubt as to the charge you are considering, then you should  
3 find the defendant not guilty of that charge.

4 All right. On the definition of "true threat," a  
5 true threat is a serious expression of intent to commit  
6 unlawful physical violence against another person or a group  
7 of people. The communication must be one that a reasonable  
8 observer, considering the context and circumstances of the  
9 statement including the surrounding communications, would  
10 interpret as a true threat.

11 The government does not necessarily have to prove  
12 that the defendant actually intended to carry out the threat  
13 or even that the defendant had the capacity to do so, but a  
14 lack of intent or capacity to carry out the threat can be  
15 relevant circumstances in deciding whether a communication is  
16 a true threat. A threat does not need to be communicated  
17 directly to its intended victim, say that the defendant  
18 himself would be the one to commit a violent act, or specify  
19 when it will be carried out. Again, however, these  
20 circumstances can be relevant in deciding whether a  
21 communication is a true threat.

22 A threat may be conditional, that is, may threaten  
23 violence if some condition is not fulfilled. Once again,  
24 however, the fact that a communication is conditional can be  
25 relevant in deciding whether a communication is a true threat.

1 A communication is not a true threat if it is merely idle or  
2 careless talk, exaggeration, or something said in a joking  
3 manner.

4 The term "federal law enforcement officer" means any  
5 officer, agent, or employee of the United States authorized by  
6 law or by government agency to engage in or supervise the  
7 prevention, detection, investigation, or prosecution of any  
8 violation of federal criminal law.

9 All right. Count 5 -- and you'll see this when you  
10 get a copy of that indictment. Count 5 charges the defendant  
11 with making more than one threatening statement. The  
12 government is not required to prove that the defendant made  
13 every one of the threatening statements alleged in Count 5.  
14 However, the government is required to prove that the  
15 defendant made at least one of the threatening statements that  
16 are alleged in Count 5. To find that the government has  
17 proven this, you must agree unanimously on which particular  
18 threatening statement the defendant made as well as all of the  
19 other elements of the crime charged.

20 All right. Moving on to the next set of charges,  
21 Counts 6 through 13 of the indictment charges the -- charge  
22 the defendant with transmitting in interstate commerce a  
23 communication containing a threat to injure another person.  
24 In order for you to find the defendant guilty of these  
25 charges, the government must prove each of the following



1 elements as to each count beyond a reasonable doubt:

2 First, the defendant knowingly transmitted in  
3 interstate commerce the communications charged in the  
4 indictment; and second, the communications contained a true  
5 threat to injure the person of another; and third, the  
6 defendant must have either intended to communicate a true  
7 threat or knew that the communication would be perceived as a  
8 true threat.

9 If you find from your consideration of all the  
10 evidence that the government has proved each of these elements  
11 beyond a reasonable doubt as to the charge you are  
12 considering, then you should find the defendant guilty of that  
13 charge. If, on the other hand, you find from your  
14 consideration of all the evidence that the government has  
15 failed to prove any one of these elements beyond a reasonable  
16 doubt as to the charge you are considering, then you should  
17 find the defendant not guilty of that charge.

18 All right. The definition of "knowingly," which is  
19 part of one of the elements that I just read: A person acts  
20 knowingly if he realizes what he is doing and is aware of the  
21 nature of his conduct and does not act through ignorance,  
22 mistake, or accident. In deciding whether the defendant acted  
23 knowingly, you may consider all of the evidence including what  
24 the defendant did or said.

25 The prior definition of "true threat" that applied to

1 Counts 1 through 5 also apply to Counts 6 through 13.

2 On interstate commerce, interstate commerce includes  
3 any commerce from inside a state to outside a state. This  
4 requirement is satisfied when a communication was transmitted  
5 or received over the internet and crossed from inside a state  
6 to outside a state. It is for you to decide, however, if the  
7 communication was transmitted or received over the internet  
8 and crossed from inside a state to outside a state.

9 Okay. During the trial, you heard references to the  
10 defendant's right to speak under the First Amendment. And as  
11 I've noted before, the protections of the First Amendment have  
12 been incorporated into the legal instructions that I have  
13 given you. Your duty is to consider all the evidence that you  
14 saw and heard here in court, follow all of my instructions on  
15 the law, and determine whether the government has proven every  
16 element of the offenses charged beyond a reasonable doubt.

17 All right. On the elements of entrapment, the  
18 government has the burden of proving that the defendant was  
19 not entrapped by government agents. The government must prove  
20 beyond a reasonable doubt that either the government agents  
21 did not induce the defendant to commit the offense or the  
22 defendant was predisposed to commit the offense before he had  
23 contact with government agents. I will define what I mean by  
24 the terms "induce" and "predisposed."

25 A government agent induces a defendant to commit a

1 crime, first, if the agent solicits the defendant to commit  
2 the crime and, two, does something in addition that could  
3 influence a person to commit a crime that the person would not  
4 commit if left to his own devices.

5           This other conduct may consist of repeated attempts  
6 at persuasion, fraudulent representations, threats, coercive  
7 tactics, harassment, or any other conduct that creates a risk  
8 that a person who would not commit the crime if left to his  
9 own devices will do so in response to the efforts of the  
10 agent. If the agent merely initiated contact with the  
11 defendant, merely solicited the crime, or merely furnished an  
12 opportunity to commit the crime on customary terms, then the  
13 agent did not induce the defendant to commit the crime.

14           A defendant is predisposed to commit the crime -- the  
15 charged crime if, before he was approached by a government  
16 agent, he was ready and willing to commit the crime and likely  
17 would have committed it without the intervention of the agent  
18 or he wanted to commit the crime but had not yet found the  
19 means. Predisposition requires more than a mere desire, urge,  
20 or inclination to engage in the charged crime. Rather, it  
21 concerns the likelihood that the defendant would have  
22 committed the crime if the agent had not approached him.

23           In deciding whether the government has met its burden  
24 of proving that the defendant was predisposed to commit the  
25 crime, you may consider the defendant's character, reputation;

1 whether the government initially suggested the criminal  
2 activity; whether the defendant engaged in the criminal  
3 activity for profit; whether the defendant showed a reluctance  
4 to commit the crime that was overcome by persuasion by the  
5 agent; and the nature of the inducement or persuasion that was  
6 used.

7           A verdict form has been prepared for you. You'll --  
8 I will provide the official copy of the verdict form in paper  
9 form, of course, when you go to deliberate. I just want to  
10 show it to you so that you'll have seen it before that. Okay.  
11 It may be the simplest federal form you'll ever encounter  
12 actually. It's two pages. On the first page it's entitled  
13 "Verdict form," of course. And it says, "We, the jury, find  
14 the" --

15           MS. KELLY: The jury can't see it.

16           THE COURT: I'm sorry. Thanks for letting me know.

17           Okay. There we go. All right. Yes. It's entitled  
18 "Verdict form." And it starts out, "We, the jury, find the  
19 defendant, Robert Anthony Haas," and it just lists the 13  
20 counts. And it's got checkboxes for guilty or not guilty for  
21 each one of the counts. And, of course, you're going to apply  
22 all of the instructions that I've given you and you'll have a  
23 personal copy of in deciding each one of these counts.

24           And then on the bottom of the page, it says, "Please  
25 go to the signature page and sign it." And the second page is

1 simply a signature page. All right.

2 Okay. So when you have reached unanimous agreement  
3 after you start deliberating, your foreperson will sign it and  
4 date the verdict form and fill in the verdict form. Then each  
5 of you will sign it. You'll advise the court security officer  
6 once you have reached a verdict. And then when you come back  
7 to the courtroom, I will read the verdict aloud, out loud.

8 Okay. So those are the instructions for now. I just  
9 have a couple more at the end of closing arguments. And we  
10 are now, I think, ready to proceed with closing arguments  
11 starting with the government.

12 MR. JONAS: May I proceed, Judge?

13 THE COURT: You may.

14 MR. JONAS: And Judge, I'm just going to sit. It  
15 will be easier to work the laptop if I'm sitting.

16 THE COURT: That's fine. Both sides can sit if they  
17 prefer.

18 CLOSING ARGUMENT ON BEHALF OF THE GOVERNMENT

19 MR. JONAS: May it please the Court, ladies and  
20 gentlemen of the jury. Robert Haas is an angry person. He  
21 hates, he hates Jewish people. He believes that Jewish people  
22 committed the atrocious attacks on September 11th in New York.  
23 He believes Jewish people control the government. And he  
24 extends his hatred to federal agents because he believes that  
25 they're protecting Jewish people and as a result, like Jewish

1 people, he believes they're terrorists.

2 And he believes that federal agents and Jewish people  
3 should be murdered, should be slaughtered. So he has taken it  
4 upon himself to threaten to kill federal agents and Jewish  
5 people. And as a result, he's been charged with 13 different  
6 counts in the indictment that you will see when you go back to  
7 deliberate.

8 And I want to be very clear. This case is not about  
9 his beliefs. It's not about his anger. It's not about his  
10 hatred. This case is about the threats. It's one thing to  
11 hold those beliefs. That's his right. He can go on top of a  
12 rooftop and shout to the world that he hates Jewish people and  
13 that they're terrorists. He may not be very popular with his  
14 neighbors, but that's his right.

15 But it's another thing then to take those beliefs and  
16 to start to post on the internet that you're going to kill  
17 people, that you're going to slice them open, that you're  
18 going to threaten a federal agent. That has crossed the line  
19 from free speech to criminal conduct. And that's what he's  
20 been charged with.

21 Now, the threats, and the judge mentioned this, the  
22 threats that the defendant's been charged with fall into two  
23 separate buckets. The first bucket, the first five counts,  
24 are threats against a federal law enforcement officer, Task  
25 Force Officer Joseph Kostuchowski. And we call him a task

1 force officer because, as he testified, he's local law  
2 enforcement who's been deputized as a federal agent giving him  
3 all the authorities of a federal agent.

4 The second bucket of threats are the postings that he  
5 made on the internet on VK. That's that Russian social media  
6 site. And the fact that Joseph Kostuchowski has the authority  
7 of a federal law enforcement, that's what gives us the federal  
8 hook. And the fact that the VK threats were sent from inside  
9 Illinois to outside the state also gives us the federal hook.  
10 That's why we're here in federal court.

11 Now, words matter. Threats themselves without even  
12 the act of carrying them out matter. They can cause emotional  
13 and mental distress of not only the intended targets, whether  
14 it's a person or a group, but also family members, friends,  
15 neighbors. That threat spreads. Think about it. Joseph  
16 Kostuchowski testified that when he received the threats on  
17 his life from the defendant, he told his family to be on the  
18 lookout. He told his neighbor. Think about how that neighbor  
19 must have felt, now all of a sudden having to worry whether  
20 someone is going to come into your neighborhood and kill TFO  
21 Kostuchowski.

22 Threats also beyond just making them themselves  
23 entice other people to -- could entice other people to commit  
24 violent acts. The defendant has said, as we heard on the  
25 recordings, that he wants to lead the world to exterminate

1 Jewish people. That is a threat.

2 Government's Exhibit 59, the defendant wrote on VK  
3 encouraging other people, "Anyone trying to take your freedom  
4 of speech, kill them: The judge, prosecutor, complaining  
5 witnesses, and their family." That is a threat. So the law,  
6 in order to protect people, has made it a crime to post true  
7 threats on the internet and to make true threats against  
8 federal law enforcement officers.

9 Now, there are a few important things I want to  
10 emphasize to keep in mind as I talk to you this morning and as  
11 you deliberate. And I'm sort of reiterating some of the  
12 things the judge just told you a moment ago. First, it's  
13 important to note that the government does not have to prove  
14 that the defendant intended to carry out the threat or that he  
15 had the ability to carry out the threat. You heard a couple  
16 times, he said, "I'm not going to hurt anybody," although  
17 other times he did say he was going to hurt somebody. But it  
18 doesn't matter. This crime is the threat itself.

19 It also doesn't matter if the defendant communicated  
20 or did not communicate the threat directly to his intended  
21 victim. So, for example, government's exhibit Count 5, that's  
22 a threat, the threats that were charged when the defendant was  
23 sitting back, in the back seat of Illinois State Trooper Rick  
24 Mullen's car. He was making threats against TFO Kostuchowski  
25 while sitting in the car. Joe wasn't there. He didn't hear



1 those threats at that time, but it doesn't matter. Under the  
2 law, it's still a threat and it's still a crime.

3 It also doesn't matter if the threat was conditional.  
4 "Your money or your life," that's a conditional threat, a very  
5 basic example of one. If you give the money, you spare your  
6 life. It's still a threat. As you'll hear, the defendant  
7 made several conditional threats as the one I just read you  
8 now: If anyone takes your freedom of speech, then do  
9 something. It's still a threat.

10 Now, I want you to focus on two things from the  
11 instructions the judge gave you as you go through the evidence  
12 and as you're listening to me speak this morning and as you're  
13 listening to the defendant speak. The government has to prove  
14 that the defendant's threats were true threats, that they  
15 weren't jokes, they weren't idle chatter. They were serious  
16 intents -- sorry, serious expression of an intent to harm.  
17 Again, he doesn't have to carry out that intent as long as he  
18 expresses a serious intent to harm.

19 Use your common sense. How do you determine whether  
20 it's a true threat? Look at the words themselves. Some of  
21 the words the defendant said are pretty chilling. And those  
22 alone will tell you that this was a true threat, but you can  
23 also look at the context, why he was sending it, the number of  
24 threats he made, the tone.

25 There was a voicemail I'll play for you in a few

1 moments he left for Joe Kostuchowski where he was screaming.  
2 And you can sort of, even though words on a paper, you don't  
3 hear the screaming, you can tell when the defendant puts  
4 things in all caps that he's essentially screaming.

5           The other thing to keep in mind is whether or not the  
6 defendant intended these to be threats or at least knew that  
7 they'd be perceived as such. And again, use your common sense  
8 as you're reviewing the evidence and as I'm talking to you  
9 this morning. It will be clear, there's no other reason why  
10 the defendant did this than to send a threat. So keep those  
11 two things in mind.

12           On January 25th, 2018, Department of State Special  
13 Agent David Noordeloos went to see the defendant because of  
14 threatening statements that the defendant posted to Ambassador  
15 Nikki Haley's Instagram account. Now, as you heard, Agent  
16 Noordeloos had to draw his weapon when he first encountered  
17 the defendant outside the defendant's home because the  
18 defendant made a movement that was threatening in and of  
19 itself.

20           And you heard the defendant on the recording -- and  
21 you can listen to the recording when you go back to  
22 deliberate -- say to Agent Noordeloos that he thought Agent  
23 Noordeloos was Mossad and that he was, quote, ready to attack  
24 and, quote, he was going to slap Agent Noordeloos' face off  
25 with a chain.

1           And later during the meeting, the defendant  
2           acknowledged that Agent Noordeloos was justified in pulling  
3           his gun on him. And you heard from the Ottawa police officer  
4           who also said he saw the defendant made a move, and Agent  
5           Noordeloos was justified in pulling his gun.

6           But things calmed down after a few moments, and Agent  
7           Noordeloos asked, asked if they could go up to the defendant's  
8           apartment to talk, and the defendant agreed. Agent Noordeloos  
9           was very respectful. And you heard him say on the recording  
10          multiple times, "I am treating you with respect," he said to  
11          the defendant. And you can hear that in his tone.

12          As he told you, Agent Noordeloos was there to try to  
13          assess the defendant, assess whether or not he was actually  
14          going to go out and try to hurt Ambassador Haley. He tried to  
15          get the defendant to tone down the rhetoric because the  
16          defendant's were making -- was making threats that were  
17          concerning. The defendant's response to Agent Noordeloos?  
18          Quote, "You're protecting scumbags by coming to my fucking  
19          house right now." That's the defendant's attitude to law  
20          enforcement.

21          Agent Noordeloos tried to help the defendant. He  
22          offered the defendant anger management. He asked the  
23          defendant if he wanted to see somebody. The defendant's  
24          response, quote: "Shrinks are retarded. I'm smarter than  
25          them."

1           Agent Noordeloos warned the defendant multiple times  
2 that freedom of speech does not extend to threats. He also  
3 said to the defendant, "I want you to be able to say your  
4 piece." At no point did Agent Noordeloos say to the  
5 defendant, "You cannot post on the internet your beliefs about  
6 Jewish people. You cannot say those beliefs. You cannot have  
7 those beliefs."

8           Agent Noordeloos never said that to him. In fact, he  
9 said the opposite. He said, "Robert, I want you to be able to  
10 say your piece." But he did ask the defendant just to tone  
11 things down from 11.5 down to not make threats. Agent  
12 Noordeloos said, "Meet me halfway."

13           The defendant said, "What's halfway?"

14           Agent Noordeloos said, "No threats." He warned the  
15 defendant that making threats on the internet was a crime.  
16 And the defendant even acknowledges, at one point saying to  
17 Agent Noordeloos, "If you want to charge me with an internet  
18 threat, I'll do two weeks," then he said some profanity and  
19 then he said, "I'll go after the person who made the  
20 complaint." So the defendant knows that making threats on the  
21 internet is a crime, but he didn't seem to care.

22           The defendant was basically pissed off that the State  
23 Department agents came to visit him. The nerve of them doing  
24 their job wanting to protect an ambassador even though they  
25 were very respectful and even though after January 27th, 2018,

1 they had no more contact with him. That didn't matter to the  
2 defendant. His anger stays with him.

3 Months later, months later, he's posting on VK, the  
4 Russian social media site, about his meetings with the State  
5 Department and his feelings. Government's Exhibit 43, this is  
6 Count 6 of the indictment. And I suggest to you that you make  
7 note of the exhibit numbers that correspond with the counts so  
8 you can focus in on them when you deliberate.

9 The defendant wrote on December 29th, 2018, "I don't  
10 care if it's a cop, prosecutor, judge, politician, or elite.  
11 You try to stop me from telling the truth, I will cut every  
12 throat in your home. Try me."

13 Now, let's be clear. As I said before, the  
14 defendant's not in this courtroom because of his beliefs or  
15 because he was trying to tell his version of the truth. The  
16 defendant's in the courtroom because this is a threat,  
17 threatening to cut people's throats.

18 Now, a few things about this particular one. Whether  
19 something is a true threat, what the defendant said, is going  
20 to be up to you. You make that determination. The  
21 defendant's definition of a true threat doesn't really apply,  
22 but he did say something to Agent Noordeloos that's very  
23 interesting. He told Agent Noordeloos that a threat is if he  
24 says, quote, "I am coming -- I am going to cut your throat."  
25 He acknowledged to Agent Noordeloos that that's a threat.

1           And those words said to Agent Noordeloos 11 months  
2 prior to the posting are the same words he used in this  
3 posting. He knows that this is a threat, a true threat, and  
4 he intended it to be so: "I will cut every throat in your  
5 home."

6           He also upped the ante. This threat isn't just  
7 directed at people he hates, at federal agents, cops,  
8 prosecutors, judges. This threat threatens family members,  
9 wives, husbands, children. "I will cut every throat in your  
10 home." People don't say these words as a joke. They say them  
11 when they're serious, when they're expressing a serious intent  
12 to harm.

13           Government's Exhibit 51, on January 27th, 2019, the  
14 defendant posted: "The next time some federal pig tries to  
15 intimidate me, I'm following it home and taking its Jew lover  
16 family from it. Future Jew loving terrorists must go too. As  
17 a matter of fact, killing feds who support Jews is righteous  
18 and they're guilty of treason. Saying there's some good Jews  
19 is treason and deserves a throat cutting. Don't say lying  
20 maggot shit, and we won't hurt you, bitch."

21           Now, this isn't one of the counts in the indictment,  
22 but you can consider this in determining whether or not the  
23 defendant intended to send threats for the counts in the  
24 indictment, his motive and his intent.

25           But keep in mind, this post, January 27th, the year

1 to the day after his last interaction with any federal agent,  
2 he couldn't let it go. Government's Exhibit 54, this is Count  
3 7 in the indictment: "The next fed that plays billy bad ass,  
4 I will slither up behind like a fucking snake and cut to the  
5 spine through the Adam's apple. They all sleep somewhere with  
6 future terrorists."

7 And then underneath that is a picture of a hand,  
8 presumably the defendant, holding a blade to make the point of  
9 how serious he was and that this was a threat to kill people.  
10 And he intended it to be. No one puts that up there unless  
11 they're intending to make a threat. And he uses the pronoun  
12 "I," what he's going to do, is "I."

13 Government's Exhibit 57, February 1st, 2019: "Funny  
14 when bitch feds come around with my opinions about my  
15 attitude. I need anger management?" Remember, Agent  
16 Noordeloos offered him anger management, so clearly this is in  
17 response to Agent Noordeloos' offer. "I'll manage my anger on  
18 Jew lover pigs guilty of treason with a baseball bat and razor  
19 blade, faggot. Time is up, pigs. I warned you." The  
20 defendant's response to everything is violence. There's no  
21 discussions with him. It's violence.

22 Government's Exhibit 60, this is Count 8 in the  
23 indictment posted on VK February 12th, 2019: "These faggot  
24 feds thought they could push me to stop telling the facts.  
25 They didn't know I think they're a joke. Bitches. I push

1 death, son, not intimidation. I won't make threats. I'll  
2 just come kill you who represent Jews and try to obstruct my  
3 First Amendment rights." Again, no one is trying to obstruct  
4 his First Amendment rights, but he doesn't have a right to  
5 make threats.

6 Government's Exhibit 61, this is Count 9 in the  
7 indictment posted on VK, February 13th, 2019: "If I am  
8 prosecuted for telling the truth, I'm killing everyone" --  
9 remember what I said, tone, all caps -- "everyone involved  
10 down to the bitch Jews crying pressing charges. Jews will pay  
11 for their crimes against humanity in my lifetime. Bet your  
12 asses, bitch. I'm coming for you -- I'm coming to get you."

13 Again, he's not being prosecuted for telling his  
14 version of the truth. Let's be clear about that. He's  
15 entitled to his version, his beliefs.

16 Government's Exhibit 64, this is Count 10 of the  
17 indictment, February 14th, 2019: "I have decided amongst  
18 myself." That's an important line. He's saying, "I have  
19 decided amongst myself." No one is pushing him to do this.  
20 No one is inducing him. No one is entrapping him. This was  
21 his own decision.

22 "I have decided amongst myself, the next fed who  
23 comes pointing guns like jump-out boys" -- Agent Noordeloos --  
24 "because they want to quote, unquote, chat, I will butcher  
25 their families." Again, he's threatening husbands, wives, and



1 children.

2 Government's Exhibit 65, this is Count 11 in the  
3 indictment. February 14th, 2019, over a year after his  
4 meeting with Dave Noordeloos, on vk.com: "The day I run up on  
5 a maggot fed, there won't be no hands up. It will be head  
6 popped open off its shoulders before it blinks." So now he is  
7 threatening to decapitate federal agents.

8 Government's Exhibit 70, February 23rd, 2019, on VK:  
9 "These faggot Jews are burned up when it comes to silencing  
10 me. Anyone who tries, I'll kill its family while extracting  
11 who sent them. Defendant -- defend terrorist kikes and die,  
12 maggots. Try me. I'm going to get you pieces of dog shit."  
13 So now it's not just agents, it's not just their families but  
14 it's anyone else who's involved with the agents, anyone who  
15 they worked for.

16 Government's Exhibit 74, this is Count 13, April 7th,  
17 2019, on VK: "Lots of feds, federal officers, State  
18 Department, AIPAC, Jews will be killed when Americans see this  
19 Jewish trash plan. I'm okay with killing feds. As a matter  
20 of fact, I am going to make that happen -- this happen. They  
21 have met their ending here."

22 Now, I expect the defendant's going to come up and  
23 say, "I didn't make a threat to kill anyone in this one, in  
24 this posting." He is saying it's going to make it happen. A  
25 threat doesn't have to be necessarily, "I am going to kill

1     you." If in contact it says, "you're going to be killed,"  
2     well, then that's still a threat. I can be getting somebody  
3     else to do it like the defendant said on recordings where he's  
4     going to entice other people to join him and kill feds and  
5     Jews.

6             Fast forward a month, May 8th, 2019. The Simon  
7     Wiesenthal Center filed a complaint with the FBI regarding  
8     some of these same VK posts. The complaint was assigned to  
9     Task Force Officer Joseph Kostuchowski. So Joe, along with a  
10    State Department agent and a couple of the Ottawa police  
11    officers, you heard from one of them, went out to see the  
12    defendant.

13            As Agent Noordeloos did before him, Joseph  
14    Kostuchowski went to assess the defendant to determine how  
15    much of a threat he was. They did what we hoped law  
16    enforcement would do. They tried to tone down the rhetoric.  
17    They tried to take the temperature down and lower things.  
18    They hoped to reason with the defendant. They didn't rush out  
19    to arrest him. They simply wanted to talk.

20            But the defendant had no interest in talking to them.  
21    Instead, he cursed them out pretty badly. And he recorded it  
22    and put two segments of that on VK. I'm just going to play  
23    one of them, Government's Exhibit 76.

24            (Government Exhibit 76 played in open court.)

25            MR. JONAS: At no point did TFO Kostuchowski tell

1 defendant he couldn't have his beliefs or post his beliefs on  
2 the internet. He was simply trying to talk to the defendant.  
3 But you saw the defendant's reaction. He would have none of  
4 it.

5 And after a few minutes, the officers left, the  
6 agents left, but that wasn't good enough for the defendant.  
7 The defendant was pissed off not only because they were there  
8 but because Officer Kostuchowski said, "You're a keyboard  
9 warrior." And as TFO Kostuchowski testified, he did so  
10 because he wanted to end the conversation. He's getting lots  
11 of verbal abuse from the defendant, and he wanted just to be  
12 done, so he made that statement, and that pissed the defendant  
13 off, not just because he had federal agents coming to him but  
14 because of that statement. He was insulted. He wanted to  
15 prove he wasn't a keyboard warrior.

16 Agents leaving him wasn't just enough. Remember,  
17 this is almost a year and a half after Agent Noordeloos. It's  
18 not like agents were constantly coming to the defendant. So  
19 in the same day, May 8th, 2019, he starts sending TFO  
20 Kostuchowski text messages, an avalanche of text messages over  
21 two days, about 71 text messages plus some phone calls.

22 Government's Exhibit 79, this is Count 1 of the  
23 indictment. Now we're in that first bucket of charges, the  
24 threats against TFO Kostuchowski. A text message sent to him  
25 on May 8th, 2019: "Take off the gun and badge like you said

1 you would, pussy. Come meet true evil. I got something for  
2 you terrorists."

3 Remember, he told, the defendant told Christopher  
4 Potts, the FBI agent who interviewed him after he was  
5 arrested, that he believes Joseph Kostuchowski was a terrorist  
6 because he represents Jews and protects Jews. He also said,  
7 defendant also said to Rick Mullen in the back of the police  
8 car that it's his constitutional duty to kill terrorists. So  
9 when you think about that, when you put that backdrop with  
10 this threat, you know the defendant is threatening to kill  
11 Joseph Kostuchowski, and that's the way Joe took it.

12 Government's Exhibit 80 are the threats sent on -- or  
13 the text messages and the threats sent on May 9th, the next  
14 day. Page 13 of that exhibit is Count 2. "I thought you  
15 wanted to chat, monkey Jew. You coward old man. You know I  
16 get what I want, and I think you deserve death." It's pretty  
17 clear he was threatening to kill the agent.

18 Same exhibit, Government's Exhibit 80, Page 14. This  
19 is Count 3 of the indictment. "I'm not afraid to walk out my  
20 door in the morning. You should be, however, considering you  
21 support Jewish terrorism, and your anti-American bullshit is  
22 going to get you killed." Now, the defendant may say, "I  
23 never said I was going to kill him" in this one but again,  
24 when you look at the context of everything that's going on and  
25 how he feels about federal agents and Joe in particular, you

1 know that he's threatening Joe.

2 Text messages weren't enough. He was also leaving  
3 voicemails. I'm going to play one of them, Government's  
4 Exhibit 84. This is Count 4 of the indictment.

5 (Government Exhibit 84 played in open court.)

6 MR. JONAS: Pretty angry, not joking, but serious and  
7 intended to be that way.

8 Enough was enough. The defendant was charged with  
9 sending threats to Joe. So on June 11th, 2019, he was  
10 arrested at his home in Ottawa, and he was driven from his  
11 home to the FBI field office in Chicago by State Trooper  
12 Mullen. You heard Officer Mullen's testimony.

13 And he was sitting in the back of the car and he was  
14 recorded, video and audio. And he knew it because there was a  
15 sign, but the defendant couldn't leave it alone. He was  
16 angry. And that's no excuse for what he did. Count 5 of the  
17 indictment charges the defendant with six separate threats  
18 against Joseph Kostuchowski. Now, as the judge told you, you  
19 only need to agree that one of them was a threat. You need to  
20 unanimously agree on one but you only need one. But I think  
21 you're going to find all six of them are threats.

22 Government's Exhibit 11 is the first one.

23 (Government Exhibit 11 played in open court.)

24 MR. JONAS: "He needs to die. Am I wrong? This is  
25 pro-terrorism right here, what this guy is doing. That's a

1 fact. A jury of my peers will say kill this motherfucker. I  
2 know it. He needs a fucking 12-gauge to his fucking throat  
3 and pull the trigger and pop his head off his fucking  
4 shoulders, and it's going to happen." That's a threat.

5 Government's Exhibit 17, the second one in the car.

6 (Government Exhibit 17 played in open court.)

7 MR. JONAS: "I don't think he can protect himself  
8 from me." In the context of everything you've heard, that's a  
9 threat.

10 Government's Exhibit 20.

11 (Government Exhibit 20 played in open court.)

12 MR. JONAS: "I think I'm going to spend every waking  
13 moment of my life making sure this Joe Kostuchowski gets  
14 fucking killed by an American citizen." Again, he doesn't  
15 have to say, "I am going to do it." If he's saying, "I am  
16 going to get others to do it, I am going to get other people  
17 to kill you," that's a threat.

18 Government's Exhibit 22.

19 (Government Exhibit 22 played in open court.)

20 MR. JONAS: "I don't like terrorists in my country.  
21 It's my constitutional duty to kill them." He thinks Joe is a  
22 terrorist. He says it's his duty to kill him. That's a  
23 threat.

24 Government's Exhibit 26.

25 (Government Exhibit 26 played in open court.)

1 MR. JONAS: "When I look at that Joe smiling little  
2 smug little face, I see one of those Israelis planting  
3 explosives in the World Trade Center. That's what I see.  
4 Terrorists. He's a rat. I think rats need to be put in dog  
5 crates and drowned."

6 And the last one, Government's Exhibit 27, the last  
7 threat making up Count 5.

8 (Government Exhibit 27 played in open court.)

9 MR. JONAS: "I don't care if it's ten years from now.  
10 I'm going to get this fucking faggot for this shit, terrorist  
11 motherfucker." "I am going to get this guy," is what he's  
12 saying. It's pretty explicit. It's pretty clear on his face  
13 that he's threatening Joe.

14 Now, the judge read to you a few moments ago the  
15 elements of each offense, the parts of each charge that the  
16 government must prove beyond a reasonable doubt. And I want  
17 to briefly talk about those. The first bucket of charges, the  
18 charges against Joe, a federal law enforcement officer, the  
19 government has to prove three things: That the defendant made  
20 a true threat to assault or murder a federal law enforcement  
21 officer. Let me unpack that for a moment.

22 First, there's no question that the defendant was the  
23 one who sent the text messages, the voicemails, or was in the  
24 back seat of Trooper Mullen's car. There's no question it was  
25 the defendant. He admitted it on the stand. And the same

1 thing for the VK postings. It's not an issue.

2 The second is the threats were made to a federal law  
3 enforcement officer. And we talked about that a moment ago,  
4 that TFO Kostuchowski had the duties and authorities of a  
5 federal law enforcement officer because he was deputized.

6 And the third is true threat. And I talked about  
7 true threat: The words, the context, why he's saying this to  
8 Joe. And think about this. The threats he's making against  
9 Joseph Kostuchowski while sitting in the back of an Illinois  
10 State trooper car are clearly true threats and intended to be  
11 serious true threats by the defendant or at least perceived,  
12 he knew they would be perceived by other people because why  
13 else would anyone say that in the back seat of a trooper car?  
14 You're not going to joke with a trooper that he's going to  
15 kill another law enforcement officer. He was serious. He was  
16 angry.

17 Consider the words he used. "You know I get what I  
18 want, and I think you deserve death." He said, as I said a  
19 moment ago, "I don't care if it's ten years from now. I'm  
20 going to get this fucking faggot." He meant what he said.  
21 You can consider the defendant's tone, the number of times he  
22 contacted Joe, all of that.

23 The second element the government must prove, that  
24 the defendant intended to communicate a true threat. And I  
25 just touched upon that one. And the third is that he intended



1 to impede, intimidate, or interfere with Joe's duties or  
2 retaliate against Joe.

3 Now, let's be clear about this. They did not have a  
4 preexisting relationship. It's not as if they were neighbors  
5 and he was making the threats against TFO Kostuchowski because  
6 they had a dispute over their yard or because Joe was a Cubs  
7 fan and defendant is a White Sox fan. No. Their entire  
8 engagement revolved around Joe doing his job, performing his  
9 official duties. And the defendant was trying to retaliate  
10 against him for that because the defendant believes Joe is a  
11 terrorist.

12 And the defendant was trying to intimidate Joe,  
13 interfere with his duties because he wanted Joe to back off  
14 and leave him alone even though Joe did after that May 9th --  
15 after that May 8th meeting. Remember, it was the defendant  
16 who continued the contact.

17 The other bucket of charges, the VK posts on the  
18 internet, threats also but slightly different. It doesn't  
19 have to be a threat against a federal law enforcement officer  
20 although in this case, many of them were.

21 Three elements that the government has proven beyond  
22 a reasonable doubt: The defendant knowingly transmitted in  
23 interstate commerce the communications charged. That's easy.  
24 He's here in Ottawa, Illinois, goes on the internet, sends out  
25 the posts to VK in Russia. They left the state of Illinois.

1 That's interstate commerce. And I told you earlier, that's  
2 what gives us the federal hook.

3 Two and three, the defendant's -- defendant  
4 communications contained a true threat to injure the person of  
5 another and he intended to communicate a true threat or knew  
6 the communication would be viewed as a true threat. Again,  
7 look at the words. He was serious. That was a serious intent  
8 to make a threat, and he knew it. He told David Noordeloos  
9 where the threat was.

10 Use your common sense and determine yourself whether  
11 or not this is a threat. It clearly is. The words alone were  
12 chilling: Popping off someone's head, slicing someone's  
13 Adam's apple, killing their families. Of course, those are  
14 threats.

15 When the defendant says, Government Exhibit 68 --  
16 this is not one in the indictment, but you can consider this  
17 when you consider the ones that are in the indictment to  
18 determine the defendant's intent. He posted on VK, "The next  
19 cop who tries to intimidate me for telling the truth, I'm  
20 going to stab its entire family to death. Fact." Not joke,  
21 fact. The defendant was serious.

22 Now, the judge also read to you some instructions  
23 regarding entrapment. And the defendant may get up here and  
24 say he was pushed into doing all this because Agent Noordeloos  
25 drew his gun on him or because Joseph Kostuchowski said,

1 "You're a keyboard warrior." That is not even close to  
2 entrapment. Think about a classic entrapment scenario. A  
3 very simple one would be an undercover agent going up to  
4 someone on the street and saying, "Hey, sell me drugs," and  
5 the person says, "No."

6 "Come on, please. I need them for my family. I need  
7 them to save my kid's life. I'll give you a million dollars."  
8 Something beyond just soliciting the crime, that could be  
9 entrapment. We had nothing like that here.

10 Now, to -- we, the government, have to prove beyond a  
11 reasonable doubt the defendant was not entrapped, and we have  
12 done that. And there's one of two things we need to prove,  
13 just one of these two things, but we have proved them both.  
14 The first is the defendant was not induced. In other words,  
15 what I just said a moment ago, he wasn't offered to commit the  
16 crime by someone in the government and then that person, the  
17 person in the government, went beyond just a mere offer:  
18 Begging, pleading, offering money, or something like that.  
19 That's inducement.

20 The second thing that the government could prove that  
21 he wasn't entrapped is predisposition, that the defendant was  
22 inclined to commit these crimes before he ever met a  
23 government agent. So I want to talk about inducement for a  
24 moment.

25 Defendant meets Agent Noordeloos January 2018. As I

1 said, Agent Noordeloos tried to talk the defendant out of  
2 committing these crimes. This is the opposite of inducement.  
3 He's not telling the defendant, "Hey, Robert, I want you to  
4 post on VK all these threats. I'll give you a million dollars  
5 if you do."

6 Nothing like that happened. In fact, they didn't  
7 even talk about VK. And this is also a year before the first  
8 charged count on VK, a year before. So there was no  
9 inducement. He was trying to talk him out of committing the  
10 crime. He asked the defendant, "Tone down your rhetoric.  
11 You're going to go to jail. You're going to get arrested if  
12 you keep this up." He warned the defendant. The defendant  
13 didn't care. He was angry.

14 Joe K. never said -- Joe Kostuchowski never said to  
15 the defendant, "Hey, how about after I leave here, you start  
16 sending me threats. That would be great. I'll give you a lot  
17 of money, beg you to do it. It will help me out if you do  
18 it." He never said that. His comment about keyboard warrior  
19 was just to shut things down, shut the conversation, end all  
20 the abuse he was getting. It's natural. It's normal. It's  
21 surprising Joseph Kostuchowski didn't fly off the handle at  
22 the defendant, but he kept his cool.

23 There was no inducement. The whole comment about  
24 keyboard warrior is divorced from sending the threats later  
25 on. The defendant himself made the choice to keep contacting

1 Joseph Kostuchowski. The defendant made the choice to send  
2 those threats. Joseph never did anything to encourage the  
3 defendant to do that. There was no inducement for either sets  
4 of charges; therefore, no entrapment.

5 Let's talk for a moment about predisposition.  
6 Remember why David Noordeeloos went out to see the defendant?  
7 Because he was already posting threats on the internet against  
8 Ambassador Haley. The defendant, when David Noordeeloos was  
9 there, they discussed threats that he posted to some woman in  
10 the UK, that he sent to some woman in the United Kingdom.

11 If you remember, David was reading his phone, and he  
12 read a threat that the defendant said to someone in the United  
13 Kingdom, "I'll kill everyone you love if you play with me,"  
14 and then he used a profanity. So the defendant has been  
15 sending threats long before his engagement with a federal  
16 officer. He was predisposed to send threats. There was no  
17 entrapment here.

18 At the end of the day, what this boils down to is  
19 were these threats true threats -- and clearly, they were  
20 serious intentions to harm -- and two, the defendant intended  
21 to be threats or recognized that other people would perceive  
22 them as threats. Without a doubt. That's why he was doing  
23 this. He wanted to threaten.

24 His hatred, his anger, his beliefs are no excuse for  
25 his criminal conduct. He could have hold all that -- held his

1 beliefs and not made these threats. And I don't want you to  
2 convict him because of his beliefs. I'm going to be very  
3 clear about that. He's entitled to them. But we are asking  
4 you to convict him of all counts because of the vicious,  
5 violent, vile threats he posted on the internet and the  
6 threats he made to Task Force Officer Kostuchowski. Thank  
7 you.

8 THE COURT: All right. Ladies and gentlemen, just to  
9 make sure that the timing is right, we'll take our midmorning  
10 break now, and then we'll have the defendant's closing  
11 argument. So we'll take 15 minutes.

12 (Proceedings heard in open court. Jury out.)

13 THE COURT: Let's go on the record for a moment.

14 So I do propose to fix the case statement in the jury  
15 instructions which left out Counts 6 through 13. And that  
16 must have been before the second superseding. So it's on Page  
17 3 of the jury instructions. I'm going to add a paragraph from  
18 the case statement which has already been read on threats in  
19 interstate commerce.

20 So any objection to that from the government?

21 MR. JONAS: No, your Honor.

22 THE COURT: Mr. Haas?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Okay. Also, there were a few times where  
25 the pattern jury instructions referred to the lawyers only but

1 here, it should be the lawyers and Mr. Haas. And so I'll add  
2 those as well. I just missed doing that.

3 So any objection to that from the government?

4 MR. JONAS: No, Judge.

5 THE COURT: Mr. Haas?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: I verbally did it, but I should do it in  
8 writing, too. And since I'm doing that, I might as well fix  
9 the double "that's." So I'll fix that, too. Okay. It might  
10 take a little longer, but we'll try to do it in under 15  
11 minutes. All right. Thanks.

12 (Recess from 10:08 a.m. to 10:25 a.m.)

13 (Proceedings heard in open court. Jury out.)

14 THE COURT: Let's go back on the record. The court  
15 resumes in session.

16 Mr. Jonas, do you have something for the record?

17 MR. JONAS: I do, Judge. I have a question regarding  
18 the alternates and whether or not it's your Honor's plan to  
19 release them outright or to instruct them that they still  
20 cannot discuss the case in case they need to come back.

21 THE COURT: Yes. It's provisional, so I tell them  
22 that although they're not going to start out in deliberations  
23 that they still must not communicate about the case, don't  
24 research it, and so on in case we need to call them back.

25 MR. JONAS: Good. Thank you.

1 THE COURT: All right. Let's get the jury.

2 (Proceedings heard in open court. Jury in.)

3 THE COURT: All right. Please be seated.

4 Okay. We're ready for the defendant's closing  
5 argument. And again, I've authorized Mr. Haas to deliver it  
6 from the table and sitting down.

7 Okay. Mr. Haas, go ahead.

8 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

9 THE DEFENDANT: Thank you, your Honor.

10 I'd like to thank you, the jury, for coming here  
11 today. This is obviously a very important day for me. I'm  
12 very nervous. And they have cold air blasting on me, so I  
13 might be shaking a little bit, but I'm very happy to have you  
14 here. And I've been waiting for this experience for over a  
15 year now.

16 I'd like to start by saying I really like this quote  
17 here. Thomas Jefferson stated, "I consider trial by jury as  
18 the only anchor yet imagined by man, by which a government can  
19 be held to the principles of its constitution." And that is  
20 why I've asked you to be here this week. And it really means  
21 a lot to me. Thank you very much.

22 To start, the government needs -- is required to  
23 prove that subject threats were true threats. The government  
24 must also prove that the defendant acted with the intent to  
25 impede, intimidate, or interfere with such law enforcement



1 officer while he was engaged in his official duties or with  
2 the intent to retaliate against such law enforcement on  
3 account of the performance of his official duties.

4 In U.S. Code 875(c), in order to convict the  
5 defendant of these charges, the government must prove the  
6 defendant knowingly transmitted in interstate commerce the  
7 communication charged in the indictment. Similar to the  
8 115(a)(1)(B) charges, the government must also prove the  
9 communication contained a true threat to injure the person of  
10 another.

11 Finally, the government must prove that the defendant  
12 intended to communicate a true threat or knew that the  
13 communication would be viewed as a true threat. This last  
14 element requires the government to satisfy a mens rea  
15 requirement by proving that the defendant intended or knew  
16 that the communication was to be perceived as a threat.

17 Circumstantial evidence is, it's used in every case.  
18 And it's required to prove intent because intent is formed in  
19 my mind. It's not something the government can just say,  
20 "This was his intent," or "This was his intent." They don't  
21 know what my intent is. They are projecting an intent to you  
22 people. They don't know what my intent is. They don't know  
23 what my feelings are. They don't know what I truly believe.  
24 They have little pieces of it, and they've blacked out a bunch  
25 of it for you in the evidence.

1           My conduct proves that I am extremely threatened, in  
2 fact. For example, I believe Israelis demolished the World  
3 Trade Center on September 11th. I believe the Likud Party,  
4 Israel's ruling party headed by Benjamin Netanyahu, controls  
5 the Israeli government. And I believe a good portion of the  
6 U.S. federal government is their toadies, their lackeys doing  
7 their work for them, representing them.

8           I have proven that there's many conspiracies against  
9 the American constitutional guarantees and against American  
10 lives. You can see Government Exhibits 56, 58, 59, 60, 61,  
11 63, etcetera. Those all speak of being prevented from telling  
12 the truth. And it is well established that speech involving  
13 government impropriety occupies the highest rung of First  
14 Amendment protection.

15           Moreover, the public has a significant interest in  
16 encouraging legitimate whistleblowing so that it may receive  
17 and evaluate information concerning the alleged abuses of  
18 public officials. The public's interest in exposing potential  
19 wrongdoing by public employees is especially powerful.

20           What about speech, protecting free speech, not a  
21 threat but a warning against violating constitutional  
22 guarantees such as the First, Second, and Fourth Amendments,  
23 etcetera. I have demonstrated that the United Nations plans  
24 to create a task force to assist its member nations with the  
25 collection of weaponry from civilian hands in Government

1 Exhibit 74. And I'll ask them to show that shortly. I also  
2 post September 11, 2001, photos. And they created the Patriot  
3 Act due to this. And that is a law that is stripping away our  
4 First and Fourth Amendments currently.

5           The alleged threats do not have a specific --  
6 specified target. They are all exaggerated talk speaking of  
7 very large groups of people, obviously not realistically  
8 possible, not a true threat. Also, all of them are  
9 self-defense against the largest and oldest terrorist  
10 organization in the planet: Illegal apartheid State of Israel  
11 and their lackeys in the United States government.

12           The same people who demolished the World Trade Center  
13 on September 11th with 2,000 Americans inside in order to,  
14 number one, bring Americans into a fake war on terror to  
15 expand Israel to its God's promised land from the Nile to the  
16 Euphrates and, number two, to take away Americans' freedom;  
17 for example, the Fourth Amendment and the First Amendment.  
18 Now the FBI is policing social media for the JIDF, ADL, JDL,  
19 etcetera. JIDF is the Jewish Internet Defense Force. JDL is  
20 the Jewish Defense Force.

21           When I say "greater Israel," it's called the greater  
22 Israel project. And you could actually find it in the Bible  
23 in Genesis 15:18; Deuteronomy 1, verse 7; Deuteronomy 11,  
24 verse 24; and Joshua 1, verse 4. And I'll explain those to  
25 you also.

1 MR. JONAS: Your Honor, I'm going to object to  
2 reading from the Bible. I don't think it's relevant or in  
3 evidence even.

4 THE COURT: That is sustained. It is not in  
5 evidence, Mr. Haas. So you do have to stick to what was put  
6 in evidence. And along the lines that you've been talking,  
7 it's those particular defense exhibits and the one overlapping  
8 government exhibit.

9 THE DEFENDANT: I'm just -- I'm just explaining my  
10 reasoning behind this, your Honor. I'm not -- I'm not saying  
11 that these are facts. I'm just saying this is what I believe,  
12 and this is what I intended to do.

13 THE COURT: That is --

14 THE DEFENDANT: I'm trying to explain my intent.  
15 That's all.

16 THE COURT: That's now confined to your testimony and  
17 to the exhibits. And I don't believe that in particular was  
18 put in, so please don't read from that.

19 THE DEFENDANT: Okay, your Honor.

20 I had mentioned earlier that I believe the  
21 Rothschilds are conspiring against humanity, against the  
22 United States. They control the planet. They control our  
23 banks. And I had mentioned that all wars are banker wars.  
24 There are nine countries left in the world without Rothschild  
25 central banks. And I said that already. Those countries are

1 Russia, China, Iceland, Cuba, Syria, Iran, Venezuela, North  
2 Korea, and Hungary.

3 These are facts. These are all countries that we are  
4 currently attacking by our media campaign, by sanctions, by  
5 any way possible to alienate Americans against these people so  
6 they can deceive us into war with these countries and use us  
7 for their -- for their conspiracy basically, is what they're  
8 trying to do.

9 What is going on here is I feel I'm protecting myself  
10 from a bad faith investigation, retaliatory action against my  
11 First Amendment protected speech using government officials to  
12 chill my protected speech. It started out small, me debating  
13 with people online who turned out to be JIDF.

14 And I didn't address it in the police reports in  
15 front of you guys, but there is reports that state that this  
16 lion's vault internet group --

17 MR. JONAS: Your Honor, I'm going to object. I think  
18 he's referring to material that's not in evidence.

19 THE COURT: Sustained. The last sentence, the jury  
20 will disregard.

21 Mr. Haas, if you can, just from time to time pull up  
22 your mask.

23 THE DEFENDANT: Sorry.

24 I've been dealing with these internet troll groups  
25 for a long time. And they come online saying, "You're an

1 anti-Semite. You're a racist. You're a Nazi. You're a  
2 Muslim. You're an ISIS recruiter." And I'd like to start  
3 explaining some of these things that they say to me. An  
4 anti-Semite. Semitic is a language group --

5 MR. JONAS: Your Honor --

6 THE DEFENDANT: It's not a race of people. It's not  
7 a -- it's a language.

8 THE COURT: All right.

9 THE DEFENDANT: Arabic, Aramaic --

10 THE COURT: All right. One second. There's an  
11 objection.

12 MR. JONAS: I'm going to object to this line of --  
13 this argument because it's not based upon any of the evidence  
14 presented to the jury.

15 THE COURT: That's sustained, too. This  
16 particular -- that particular topic was not put in evidence.  
17 So the objection is sustained.

18 THE DEFENDANT: Okay. These people attack me and  
19 call me names in order to -- in order to infuriate me. And  
20 they threatened me. I have many threats. They mentioned one  
21 about the girl in the United Kingdom. I had a girlfriend in  
22 the United Kingdom, and she had two small children who came to  
23 live with me in the United States. This girl threatened them.  
24 I threatened her back. I probably shouldn't have done it. I  
25 probably should have called the police on her. Neither of us

1 called the police. But I showed it to the Department of State  
2 when they said, "Oh, you get threats."

3 I said, "This lady threatened my girlfriend and her  
4 children in another country, and I can't even defend her  
5 because they're overseas. They're not with me right now."

6 And he said, "Oh." And it's in that video. You can  
7 see it, Ambrosine Yolanda Shitrit or something. And she's  
8 from a group called Eye on Anti-Semitism. And that was her  
9 point, was to upset me and rile me up so she could get me to  
10 say something.

11 MR. JONAS: Objection, your Honor. He's arguing  
12 facts not in evidence.

13 THE COURT: Sustained on that last sentence. The  
14 jury will please disregard.

15 THE DEFENDANT: Your Honor, can I read some quotes  
16 from other people?

17 THE COURT: They have to be in evidence, Mr. Haas.

18 THE DEFENDANT: Okay. In each district of the  
19 federal circuit courts, they have their own precedent, their  
20 own laws upon --

21 THE COURT: Mr. Haas, I have given the jury the law  
22 except for a couple last --

23 THE DEFENDANT: I'm not trying to give them law. I'm  
24 just explaining something, please, if you'll allow me.

25 THE COURT: All right. Why don't you put on your

1 sidebar gear, and you can explain it to me first.

2 (Proceedings heard at sidebar:)

3 THE DEFENDANT: Your Honor, I'm not trying to cite  
4 cases. I'm trying to explain that these federal officers who  
5 are enforcing the law don't know what the law is in each  
6 circuit. They basically fly by the seat of their pants and  
7 decide on their own what is illegal and what is not or what is  
8 a threat or what is free speech.

9 THE COURT: All right.

10 THE DEFENDANT: That's all I'm trying to do.

11 THE COURT: What you can't -- cannot do is try to  
12 explain the federal court structure including district courts  
13 and what is binding precedent. You can point to what, for  
14 example, Mr. Noordeloos actually said or what Mr. Kostuchowski  
15 actually said. And if you think that that does not match with  
16 the actual instructions I gave, then you can point that out as  
17 a factual matter and how that might have bearing on their  
18 conduct towards you, but that's it. It's got to be tied to  
19 what they said.

20 And then if you can match that up against the legal  
21 instructions I've given, then that's fine, too, but that's it.  
22 You can't talk about the general structure of the federal  
23 court system nor can you -- and we discussed this briefly in  
24 the jury instructions conference yesterday. Nor can you  
25 assert that the precedent is not clear.



1           So these are all concepts that are foreign to the  
2 jury and are irrelevant. So you can bring it back to the  
3 facts of what they said, match it against the instructions,  
4 and make a factual point about their conduct, and that's it.  
5 Do you understand?

6           THE DEFENDANT: Yes, your Honor.

7           (Proceedings heard in open court:)

8           THE COURT: All right. You may resume as we  
9 discussed at the sidebar.

10          THE DEFENDANT: I'd like to ask the government to put  
11 up Government Exhibit 74.

12          THE COURT: All right. I'll ask the government to do  
13 that.

14          (Pause.)

15          THE DEFENDANT: This is the United Nations office  
16 for --

17          THE COURT: I don't think it's up yet.  
18 Okay. Go ahead.

19          THE DEFENDANT: The document, can you please zoom in  
20 on that document? Just the document. And this speaks of  
21 creating a United Nations police force, police task force with  
22 the specific mission of assisting member nations with the  
23 collection of weaponry from civilian hands.

24                 When I was a child, I was taught in school before I  
25 could graduate high school that we have constitutional

1 guarantees --

2 MR. JONAS: Your Honor --

3 THE COURT: The objection is sustained. There was no  
4 evidence on your schooling, so the jury will disregard that  
5 last remark.

6 THE DEFENDANT: Your Honor, I'd like to say we're all  
7 taught in school, every one of us is taught in school that we  
8 have constitutional guarantees. And you can't finish high  
9 school without taking a test that says you have a First  
10 Amendment, a Second Amendment, a Fourth Amendment. This  
11 document contradicts that, what you're taught in school,  
12 directly.

13 It is treason. It is a foreign agency trying to  
14 enter the United States and create law, codification, laws to  
15 disarm Americans, to make us weak so they can control us.

16 MR. JONAS: Objection.

17 THE COURT: All right. Overruled. It's argument.  
18 He is representing himself. I will allow it to stand.

19 THE DEFENDANT: These people have been conspiring  
20 against us for a long time, and it's starting to work because  
21 of their World Trade Center and they own our media. So they  
22 can control what we believe and what we see and what we hear.  
23 The people who control the media are extremely powerful. And  
24 our media is controlled by one specific group nowadays. And  
25 that's a problem. It's dangerous. Now we have internet and

1 we can inform each other --

2 THE COURT: All right. One moment. Let's take a  
3 sidebar.

4 (Proceedings heard at sidebar:)

5 THE COURT: All right. Mr. Haas, you're, I think,  
6 approaching approximately the 15-minute mark from when you  
7 started on this explanation of your various beliefs. And I  
8 did allow the limited number of defense exhibits to give you  
9 some leeway in expressing your beliefs because they have some  
10 relevancy to motive and intent.

11 Now, I think most people would see that as  
12 inculpatory as opposed to exculpatory, but I did allow you to  
13 put in evidence because you proposed it, and you are  
14 representing yourself. I'm trying to give you some leeway.  
15 But you have used about 15 minutes of time on this. So you  
16 are going to have to wrap that part up and start trying to  
17 then discuss the other facts in evidence.

18 If you want to try to tie them to jury instructions,  
19 you should be doing that, too. But you have to get wrapped up  
20 on this part of your closing argument where you're just laying  
21 out these beliefs.

22 THE DEFENDANT: I'm going to need at least ten more  
23 minutes, your Honor, to explain this.

24 THE COURT: Again, it has to be tied to actual  
25 evidence in the case.

1 THE DEFENDANT: Yes.

2 THE COURT: I can -- I'll give you -- I don't know  
3 that you have ten minutes' worth of material based on the  
4 evidence in the case that you put in, but I'll allow you to do  
5 that on your beliefs, but you've got to get to the other  
6 actual facts of the case. So I'm going to start the clock now  
7 on that. Just bear that in mind. All right?

8 THE DEFENDANT: Yes, your Honor.

9 (Proceedings heard in open court:)

10 THE COURT: All right. You can proceed as we  
11 discussed at the sidebar.

12 THE DEFENDANT: I'd like the government to show  
13 Defense Exhibit 19.

14 THE COURT: One moment. Did you say Defense 19?

15 THE DEFENDANT: Yes.

16 THE COURT: 1-9? All right. I'll ask the government  
17 to do that.

18 THE DEFENDANT: Again, these photos demonstrate what  
19 I believe I am dealing with when I'm talking about these  
20 people online. It's not just FBI Joe Kostuchowski. These are  
21 our allies, the people who control Israel. This is them right  
22 here. And this is who I expose online. This is who I talk  
23 about. And this is a very serious matter. This is dangerous.

24 Most people that I talk about this to, if they do  
25 agree with me, I say -- I say, the best thing you can do in

1 the world is share this information. Share this. And they  
2 say, "I have children. I can't do that."

3 MR. JONAS: There's no evidence about what the  
4 defendant shares with other people online to this line, this  
5 argument.

6 THE COURT: Well, on that specific last sentence that  
7 he stated, the objection is sustained, and the jury will  
8 disregard it.

9 THE DEFENDANT: I believe this is a very dangerous  
10 subject to address not only because -- because who it is, who  
11 you're dealing with but it's because they have trained  
12 everyone else to believe that you are threatening --  
13 threatening Judaism when you expose the State of Israel. I  
14 personally -- that is my personal belief.

15 Could we go to Defense Exhibit 8, please?

16 THE COURT: All right. I'll ask the government to  
17 put on 8.

18 THE DEFENDANT: And then zoom in on the photo in the  
19 middle.

20 This was the mayor of Chicago. His father blew up  
21 the King David Hotel along with Menachem Begin in the 1940s.  
22 He was Obama's chief of staff. I have every reason in the  
23 world to be scared for my life when I talk about these things,  
24 but as an American citizen, I need to expose it. And you  
25 people need to know about it, too, so we can vote and change

1 these things --

2 MR. JONAS: Your Honor.

3 THE DEFENDANT: -- in our government.

4 THE COURT: All right. One moment. The reference to  
5 the jury?

6 MR. JONAS: Yes, Judge.

7 THE COURT: All right. The objection is sustained.

8 Mr. Haas --

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: -- you can't refer to the jury in that  
11 way.

12 And I'll remind the jury that the truth or falsity of  
13 these beliefs is not at issue in this case. It's the fact  
14 that the government alleges the defendant held certain beliefs  
15 that can go to motive and intent.

16 THE DEFENDANT: The government pointed out that in  
17 these messages that I've sent that a true threat includes  
18 surrounding communications. Mr. Jonas said that during his  
19 opening speech right here today that a true threat involves  
20 the surrounding communications. Threats matter. Threats are  
21 important. Threats are very dangerous, but the biggest threat  
22 you will ever see in your life is blacked out from those  
23 communications that I sent. They don't want you to see the  
24 real threat because it's so disgusting that it will change  
25 your opinion.

1 MR. JONAS: Objection.

2 THE COURT: Sustained.

3 THE DEFENDANT: In the elements of this case,  
4 predisposed to commit a crime or induced, if the agents hadn't  
5 approached me attempting to chill my protected speech, this  
6 never would have happened. If they didn't call me and come to  
7 my job site and snicker at me and poke at me, and when I told  
8 them beliefs, I said I believe white people have no business  
9 in that desert.

10 He said, "What do Palestinians' passports say?"  
11 That's telling me he's pro-Israel. He was telling me his  
12 beliefs and trying to incite me to lash out at him. And I  
13 did. I probably shouldn't have, but I did. But that's not a  
14 crime. And I wasn't arrested that day because it was not a  
15 crime. I did not break the law.

16 And I had not broken the law up until then because I  
17 was never -- never convicted, never arrested for any of this.  
18 They never had a real crime. They were coming around  
19 attempting to chill my protected speech because I exposed the  
20 people who pay their bills, which if you look at this, if they  
21 are benefiting from these people, they're conspiring against  
22 American citizens. It's a RICO charge.

23 MR. JONAS: Objection.

24 THE DEFENDANT: It's a protection racket.

25 THE COURT: Sustained. There's no evidence on that.

1 The jury will disregard the last sentence.

2 THE DEFENDANT: In the elements that they're talking  
3 about, predisposed to commit a crime, induced, the first FBI  
4 officer that came and spoke to me was way back in 2006. And  
5 he did -- he did -- he did make a seizure. He said, "You  
6 don't have a choice. You have to come and meet me."

7 And I did without a problem. And we sat in  
8 McDonald's and talked. And after ten minutes he said, "I'm  
9 going to close this case. You're not a threat."

10 MR. JONAS: Objection.

11 THE COURT: Sustained.

12 MR. JONAS: Arguing facts not in evidence.

13 THE COURT: Sustained. The jury will disregard that  
14 last sentence.

15 THE DEFENDANT: If you notice in Government's  
16 Exhibits -- as I had mentioned, Government's Exhibits 56, 58,  
17 59, 60, 61, and 63, every one of them mentions telling the  
18 truth, being stopped from telling the truth. Telling the  
19 truth is what the First Amendment is about: To expose crime  
20 and wrongdoing within our government. That's what it's really  
21 about.

22 THE COURT: Mr. Haas, can you bring your mask up  
23 again?

24 THE DEFENDANT: That's what the First Amendment is  
25 truly about, is exposing crime. And we have every right to



1 defend that at all costs, especially when you're dealing with  
2 people like this. And these are the people who I'm exposing.  
3 And my First Amendment is the most powerful weapon I have  
4 against people with guns and nuclear weapons and they run our  
5 banks. They own our countries. And it's the only weapon I  
6 have, is my speech and a keychain. That's it.

7 And I'm arguing with these people online exposing  
8 them and their families, their ancestors, who they are and  
9 what they do. And I put my life on the line with my First  
10 Amendment. And this is how I'm repaid for it.

11 Mr. Jonas here said violence is my response,  
12 violence. Again, the most violent thing in the world you will  
13 ever see is blacked out from the context of this evidence  
14 against me. They have not one true threat against me,  
15 allegedly true threat, before Officer Noordeloos and Rochowiak  
16 came to my house and drew weapons on me and told me to get on  
17 the ground without charges or a warrant and no probable cause.  
18 They had no true threat. They had no reason to be there  
19 except to intimidate me. Intimidation is using force or  
20 threat of force or violence for a political end.

21 He came representing a political party, the United  
22 Nations Ambassador Nikki Haley, who has been beholden to the  
23 State of Israel. And she demonstrates that over and over  
24 again. And those are the same people who want to disarm us.  
25 And I showed you the United Nations document.

1 MR. JONAS: Judge, I'm going to object to that last  
2 line.

3 THE COURT: Sustained as to the last sentence.

4 THE DEFENDANT: Mr. Kostuchowski came to my job site,  
5 and he explained that -- he showed me his credentials and  
6 explained why he was there. They played the video again  
7 today. And I'd like you to watch the first 30 seconds of it  
8 when he comes up. I'm asking him why he's there multiple  
9 times. Why would I have to do that if he told me why he was  
10 there and showed me his credentials? I'd like you to think  
11 about that.

12 Can you guys please play that video? I forgot to  
13 make a note of what clip it is, the job site video.

14 THE COURT: Mr. Haas, you'd have to specify what the  
15 exhibit is, please, as we agreed on yesterday. The jury will  
16 have an exhibit list as well which has a file name which  
17 specifies --

18 THE DEFENDANT: I don't know what the file name is.  
19 It's the video at the job site. They just played it ten  
20 minutes ago. They know which video it is.

21 THE COURT: Let's take a sidebar.

22 (Proceedings heard at sidebar:)

23 THE DEFENDANT: Your Honor, when they played the  
24 video, I was looking for a number on the screen, and there was  
25 no exhibit number on the screen. There's no title for the

1 exhibit on this list. So how am I supposed to know what their  
2 exhibit is? I don't --

3 THE COURT: Again, Mr. Haas, as we discussed  
4 yesterday, they're just a conduit for playing the exhibits  
5 that you identify. The list actually does have file names  
6 that are descriptive. And all of the orders leading up to  
7 today on exhibit charts have been descriptive on that.

8 Having said that, does the government have any  
9 objection to playing that? Which one is it?

10 MS. KELLY: It's Government Exhibit 76.

11 THE COURT: I'm sorry. Can you speak into the mike  
12 there?

13 MS. KELLY: Government Exhibit 76.

14 THE COURT: All right. Thank you.

15 (Proceedings heard in open court:)

16 THE DEFENDANT: I'd like the government to play  
17 Exhibit 76.

18 THE COURT: Okay. Well, the government did identify  
19 it for you in the sidebar.

20 THE DEFENDANT: Uh-huh.

21 THE COURT: And I thank them for that. Please go  
22 ahead and play it.

23 (Government Exhibit 76 played in open court.)

24 THE DEFENDANT: Can we please start that over because  
25 that's the important part.

1 (Government Exhibit 76 played in open court.)

2 THE COURT: I'm sorry. That's my fault.

3 THE DEFENDANT: Can we start it over one more time?

4 THE COURT: Yes. Please do start over. It was my  
5 fault.

6 THE DEFENDANT: And leave it paused for one second.  
7 I'd also like you to note when I said, "Why are you here," he  
8 said, "Let's just be friends." He did not say he was there  
9 for an investigation. He did not say he was there because I  
10 made a threat. He said, "Let's just be friends." And he's  
11 laughing at me with a smug smile on his face, intimidating me,  
12 provoking me --

13 THE COURT: Okay. How long is the clip?

14 THE DEFENDANT: -- inciting me.

15 Less than a minute, 30 seconds.

16 THE COURT: I'm asking the government since they have  
17 the exhibit.

18 MS. KELLY: Judge, I think it's roughly 40 seconds.

19 THE COURT: Just go ahead and play the whole thing.

20 (Government Exhibit 76 played in open court.)

21 THE DEFENDANT: You can stop that now.

22 It's very obviously that he never showed me any  
23 credentials or why he was there. He walked up and started  
24 harassing me at a job site. The machine I was sitting on cost  
25 \$300 a day.

1 MR. JONAS: Objection, your Honor. There's no facts  
2 to support that statement.

3 THE COURT: Sustained. The jury will disregard the  
4 last remark.

5 THE DEFENDANT: Can we show Government Exhibit 54?

6 THE COURT: All right. I'll ask the government to do  
7 that.

8 THE DEFENDANT: It says, "The next fed that plays  
9 billy bad ass with me." That reminds me of a sign I saw this  
10 morning that says, "I can't breathe."

11 MR. JONAS: Objection.

12 THE COURT: Sustained. There's no relevance to that  
13 in this case.

14 THE DEFENDANT: Barry Jonas here said enough is  
15 enough. Exactly. Enough is enough from these people against  
16 American citizens. Violence is my response. Barry Jonas just  
17 said that. Violence is my response to these things. Of  
18 course, violence is my response. Anybody who sees these  
19 things should be outraged that our government -- it's called  
20 misprision of treason, hiding treason.

21 MR. JONAS: Objection.

22 THE COURT: Sustained on the legal definition.

23 THE DEFENDANT: Sorry. Violence is my response. Why  
24 is violence blacked out then?

25 Barry Jonas is inventing this intent, that I'm doing

1 it to impede an investigation. I have no problem with an  
2 investigation if they actually asked me legitimate questions  
3 and listened to the truth. I would help them with their  
4 investigation and go get real terrorists.

5 As a matter of fact, I mentioned that, but you're not  
6 seeing those messages. I've said it to every officer that's  
7 ever come around. That's why I show them these photos, all  
8 this proof, all these verses from the Jewish belief systems.  
9 I want people to see it including the federal government.

10 They don't do anything about it. They continue to  
11 harass me, but they don't investigate these photos of these  
12 men in the World Trade Center on the 91st floor. I'd like to  
13 know who they are and why they were there removing a window  
14 three weeks before the building collapsed.

15 MR. JONAS: Your Honor, I'm going to object about,  
16 there's no evidence of investigation by the government one way  
17 or the other.

18 THE COURT: Sustained. The jury will disregard the  
19 last two sentences.

20 THE DEFENDANT: I'm finished, your Honor.

21 THE COURT: All right. Rebuttal?

22 THE DEFENDANT: Thank you, Jury. I appreciate  
23 your --

24 MS. KELLY: Your Honor, may I go into a brief sidebar  
25 before I begin?

1 THE COURT: All right.

2 (Proceedings heard at sidebar:)

3 MS. KELLY: Your Honor, it may be appropriate --

4 THE COURT: Could you pull the mike a little closer?

5 MS. KELLY: Your Honor, the defendant in his closing  
6 argument repeatedly referred to redactions despite your  
7 Honor's order that he was not to do that.

8 THE DEFENDANT: Your Honor, Mr. Jonas was --  
9 specifically said "surrounding communications." That is a  
10 surrounding communication. It's the remainder of related  
11 writings, and it was excluded after I pointed that out  
12 multiple times. I want this on the record. Surrounding  
13 communications, he said it.

14 THE COURT: Okay. We have gone over this a couple of  
15 times, Mr. Haas. Actually, more than a couple of times both  
16 before trial and during trial.

17 And so the government is asking to, I guess,  
18 reinstruct the jury.

19 MS. KELLY: Correct.

20 THE COURT: Because I instructed them earlier about  
21 the redactions and that I authorized them and they're not to  
22 consider the fact that they are redacted.

23 MS. KELLY: That's correct.

24 THE COURT: Okay. I'll give that instruction. And  
25 then you're going to go right into your rebuttal, correct?

1 MS. KELLY: Yes, your Honor.

2 THE COURT: Okay.

3 (Proceedings heard in open court:)

4 THE COURT: All right. Ladies and gentlemen, before  
5 the government begins its rebuttal argument, I just want to  
6 instruct you again as I did earlier that on the exhibits that  
7 you saw where there are redactions, there's black that is  
8 blocking out certain portions of those exhibits, those are  
9 redactions that the Court authorized, and they have no bearing  
10 on your decision in this case.

11 All right. Ms. Kelly?

12 REBUTTAL ARGUMENT ON BEHALF OF THE GOVERNMENT

13 MS. KELLY: Ladies and gentlemen, this case is not  
14 about a disagreement over religion. It's not a case about  
15 defendant's beliefs about government conspiracies. And it's  
16 also not a case about a statement someone made online to his  
17 friend that's separate and apart from this case. Defendant is  
18 charged in this matter because he used words to threaten  
19 repeatedly Task Force Officer Joe Kostuchowski and other  
20 people. He used those words to intimidate and to retaliate,  
21 and it's his own words and his own actions that led him to  
22 this courtroom.

23 Defendant tried to tell you that he was feeling  
24 threatened, but you can see from the evidence it's the  
25 opposite. Defendant was on the offensive. He was mad at law



1 enforcement before Joe Kostuchowski ever stepped foot near  
2 that job site. He told you that he was. He told you he was  
3 angry that State Department Agent Dave Noordeloos had come to  
4 see him over a year before he saw Joe Kostuchowski, but yet  
5 defendant held this anger and held this hatred toward law  
6 enforcement and went online and made post after post about not  
7 only hurting law enforcement but Jewish people, families of  
8 law enforcement, and families of Jewish people. He was on the  
9 attack, and he had been on the attack long before Joe  
10 Kostuchowski went to talk to him about that complaint that the  
11 FBI had received from the Simon Wiesenthal Center.

12           Mr. Haas talked to you about Government Exhibit 74.  
13 This was the United Nations document that he showed. But read  
14 the words above that document: "Lots of feds, federal  
15 officers, State Department, APAC, Jews will be killed when  
16 Americans see this Jewish trash plan. I'm okay with killing  
17 feds. As a matter of fact, I am going to make this happen.  
18 They have met their ending here."

19           Again, he was on the attack. He was making the  
20 threats. He was talking about killing people. It was not the  
21 other way around. It never was the other way around.

22           How did the defendant react when Joe Kostuchowski  
23 came to meet with him? You saw from the videos that we played  
24 during the trial, he got angry. He used profanity. He called  
25 Joe Kostuchowski names. And what did Joe Kostuchowski do? He

1     drove away.

2             And then after Joe Kostuchowski drove away, defendant  
3     started with the missives, the texts, the avalanche of texts  
4     that occurred over a two-day period. Mr. Jonas showed you  
5     those texts talking about, "You should be afraid to walk out  
6     your door. Take off your gun and badge and meet true evil."

7             Again, that's someone on the attack. Defendant  
8     initiated those contacts repeatedly. And he didn't just stop  
9     at the text messages which were numerous and unrelenting. He  
10    started leaving Joe Kostuchowski the voicemail messages. And  
11    when you hear those voicemail messages, you're going to hear  
12    somebody who was not afraid of Joe Kostuchowski. It's exactly  
13    the opposite. He was threatening Joe Kostuchowski including  
14    that voicemail message that we charged in Count 4 that I'll  
15    play. This is a voicemail left on May 11th, days after Joe  
16    left that job site.

17            (Said audio recording played in open court.)

18            MS. KELLY: The defendant told Joe Kostuchowski he  
19    needs a bullet in his head. He did it to intimidate, to  
20    retaliate, and to frighten Joe Kostuchowski, and he did. Joe  
21    Kostuchowski talked to you about the fear he felt for himself  
22    and his family. And that's what defendant wanted. He wanted  
23    Joe to believe that he should be afraid of the defendant, that  
24    the defendant was going to do something to him in retaliation  
25    for simply coming to talk about a complaint that the FBI had

1 received from the public.

2 Defendant told you that he felt harassed in some way  
3 by law enforcement, but he skipped a step in the timeline.  
4 The reason that Dave Noordeloos went to talk to him was  
5 because of the comments that defendant made on Nikki Haley's  
6 public Instagram page. And there's no dispute that he made  
7 comments on her Instagram page.

8 And as a result of those comments, Dave Noordeloos  
9 came to talk to him. And you've heard the recordings. You  
10 will have a chance to watch them again. Dave Noordeloos  
11 repeatedly asked defendant to dial it back, tone it down, stop  
12 threatening people. They had a conversation, and Dave  
13 Noordeloos left and never spoke to the defendant again after  
14 that, but yet defendant started launching into these threats  
15 online. And he persisted in doing so for months and months  
16 after this interview talking about cutting throats, killing  
17 families, he's going to get feds, months after Dave Noordeloos  
18 left.

19 Dave Noordeloos didn't present any threat or danger  
20 to the defendant. It was quite the contrary. It was  
21 defendant who is expressing his intent to harm other people --

22 THE DEFENDANT: Your Honor, can we have a sidebar  
23 real fast?

24 THE COURT: All right.

25 (Proceedings heard at sidebar:)

1           THE DEFENDANT: I'd like Ms. Kelly to point out to  
2 the jury that those comments about hurting people's families  
3 were not text messages sent to anyone. They were internet  
4 posts on Russian social media. She's making it sound like  
5 they were sent to these people, text messages, that I'm going  
6 to kill families and cut people's throats. Not one of those  
7 was sent to a telephone. They were all online. She's mixing  
8 the charges up.

9           THE COURT: Ms. Kelly?

10          MS. KELLY: I think I said he launched into attacks  
11 online.

12          THE COURT: There's -- it is fair argument. And she  
13 did not imply that you sent it directly to others instead of  
14 posting on vk.com. So the objection is overruled.

15          (Proceedings heard in open court:)

16          THE COURT: All right. You may resume.

17          MS. KELLY: Defendant launched into attacks online  
18 with the intent to make a threat and with explicit  
19 descriptions about how he was going to carry out those  
20 threats. You've seen the posts now multiple times. You'll  
21 see them again. The words leap right off the page. You can  
22 apply your common sense and see what he said. And you know  
23 from the evidence why he said it. He said it because he was  
24 angry, and he said it to intimidate and to retaliate.

25          Then after Joe left the job site, it didn't stop

1 there. He sent the text messages. He left the voicemail  
2 messages. There was no evidence that Joe Kostuchowski  
3 responded back. On the contrary, everyone agreed Joe never  
4 responded. But he kept the threats and the voicemails going.

5 That's how you know that defendant wasn't provoked.  
6 That's how you know that defendant was predisposed to doing  
7 this. And that's how you know there was no entrapment. There  
8 was absolutely no evidence of entrapment in this case. The  
9 evidence shows that that switch was flipped in defendant's  
10 mind long before Joe Kostuchowski ever went to Ottawa,  
11 Illinois, to meet with the defendant.

12 The defendant also talked with you about the First  
13 Amendment and how he cares about the First Amendment. We all  
14 care about the First Amendment. The issue that you're being  
15 asked to decide is embodied in the jury instructions that you  
16 will receive. And based on those instructions and the  
17 elements of the offense, the defendant made true threats. He  
18 made them repeatedly online, and he made them in his internet  
19 posts.

20 Defendant talked to you about a couple of exhibits.  
21 And I'd like to talk to you a little about what else is  
22 contained in those exhibits. He mentioned Exhibit 74. Please  
23 read the rest of the language as I read. He also mentioned  
24 Exhibit 54. This is the exhibit where defendant is holding  
25 the knife in his hand. Why else is he holding a knife in his

1 hand and saying that, "The next fed that plays billy bad ass,  
2 I will slither behind like a fucking snake and cut to the  
3 spine," other than to threaten law enforcement? No reason for  
4 that. You can apply your common sense in looking at this  
5 picture of a hand with a knife in the context in the  
6 surrounding communications.

7 Defendant talked a little bit about Joe Kostuchowski  
8 not displaying credentials and seems to argue that Joe  
9 Kostuchowski didn't do that, but there's no dispute that  
10 defendant knew that Task Force Officer Kostuchowski was  
11 associated with the FBI. So there's no dispute that defendant  
12 understood he was federal law enforcement, yet he continued to  
13 make threats and persisted in attempting to intimidate and to  
14 retaliate.

15 The evidence in this case shows beyond a reasonable  
16 doubt that defendant's graphic, horrific statements on vk.com  
17 were true threats. The evidence also shows beyond a  
18 reasonable doubt that defendant made true threats directed to  
19 Joe Kostuchowski knowing that his statements were -- would be  
20 perceived as true threats and with the intent to intimidate  
21 and to retaliate against Joe Kostuchowski on account of  
22 performing his official duties.

23 Defendant is guilty, and we ask that you return a  
24 verdict of guilty on all counts.

25 THE COURT: Okay. A couple final instructions for

1 you, ladies and gentlemen. Once you are all in the jury room,  
2 the first thing you should do is choose a presiding juror.  
3 The presiding juror should see to it that your discussions are  
4 carried out in an organized way and that evidence has a fair  
5 chance -- everyone has a fair chance to be heard. You may  
6 discuss the case only when all jurors are present.

7           If you need to communicate with me while you are  
8 deliberating, send a note through the court security officer.  
9 The note should be signed by the presiding juror or by one or  
10 more members of the jury. To have a complete record of this  
11 trial, it is important that you do not communicate with me  
12 except by a written note. I may have to talk to the lawyers  
13 and to Mr. Haas about your message, so it may take me some  
14 time to get back to you. You may continue your deliberations  
15 while you wait for my answer.

16           If you send me a message, do not include the  
17 breakdown of any votes you may have conducted. In other  
18 words, do not tell me that you are split 6-6 or 8-4 or  
19 whatever your vote happens to be.

20           The verdict must represent the considered judgment of  
21 each juror. Your verdict, whether it is guilty or not guilty,  
22 must be unanimous. You should make every reasonable effort to  
23 reach a verdict. In doing so, you should consult with each  
24 other, express your own views, and listen to your fellow  
25 jurors' opinions. Discuss your differences with an open mind.

1 Do not hesitate to reexamine your own view and change your  
2 opinion if you come to believe it is wrong, but you should not  
3 surrender your honest beliefs about the weight or effect of  
4 evidence just because of the opinions of your fellow jurors or  
5 just so that there can be a unanimous verdict.

6           The 12 of you should give fair and equal  
7 consideration to all the evidence. You should deliberate with  
8 the goal of reaching an agreement that is consistent with the  
9 individual judgment of each juror. You are impartial judges  
10 of the facts. Your sole interest is to determine whether the  
11 government has proved its case beyond a reasonable doubt.

12           All right. A couple other notes. First, the trial  
13 day usually goes to 4:30. And so if you're not done as of  
14 4:30 with your deliberations, that will conclude your day, and  
15 you would come back tomorrow again between 8:00 and 8:30 and  
16 then you start at 9:00 o'clock. Your deliberations would  
17 start at 9:00 o'clock. It is completely up to you, though,  
18 whether you finish today or tomorrow, but if you're not done  
19 as of 4:30, then you do have to return tomorrow.

20           Now, it's important that if -- as I just said, that  
21 all 12 of you have to be in the jury room deliberating at the  
22 same time. You can't have subsets of deliberation. So for  
23 example, I know it's unlikely that many of you are taking  
24 public transportation, but if you are taking public  
25 transportation and two or three of you happen to commute in



1 together, for example, you can't discuss the case because it's  
2 not 12 of you in that ceremonial courtroom.

3 And the same goes for, if you arrive in the morning  
4 if you're still deliberating tomorrow and some of you get here  
5 earlier, do not start discussing the case until it's all 12 of  
6 you together in the ceremonial courtroom.

7 Now, I've been saying 12. And so as you probably  
8 suspected, two of you are alternate jurors. And that's  
9 Ms. Fixari and Ms. Lakich. Now, what that means is I am  
10 provisionally releasing you. That's just a fancy way of  
11 saying you will not start out deliberating with the jurors,  
12 and you may go home as soon as I get the jury starting --  
13 started with deliberations, but I instruct you to still  
14 refrain from researching the case, the facts, the law, the  
15 parties. Refrain from communicating about the case with  
16 anyone, even between the two of you. And don't let anyone  
17 communicate with you about the case because it is -- it's  
18 always possible that we may need one of you or both of you to  
19 replace a juror. And it doesn't always happen, but it's  
20 possible.

21 And so please continue to follow those instructions.  
22 And, of course, we'll let you know, if we don't bring you back  
23 in, when the jury has rendered a verdict so that then you are  
24 free from those instructions.

25 All right. So what I'm going to do now is the court

1 security officers will bring you back to the deliberations  
2 room. I'll join you in there because I have to play a short  
3 tutorial that teaches you how to display the evidence within  
4 the courtroom. And I'll say a few words about kind of the  
5 physical layout of the deliberations room.

6 And we'll also bring in for you 12 copies of the jury  
7 instructions, the one official verdict form, 12 copies of the  
8 indictment, and 12 copies of the list of exhibits. All right.  
9 So all -- oh, I'm sorry. We do need to administer an oath to  
10 the court security officer.

11 So if you could do that.

12 THE CLERK: Will you both please raise your right  
13 hand?

14 (Court security officers sworn.)

15 THE CLERK: Thank you.

16 THE COURT: All rise.

17 (Recess from 11:26 a.m. to 12:24 p.m.)  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 19 CR 00486  
 )  
 ROBERT ANTHONY HAAS, ) Chicago, Illinois  
 ) August 6, 2020  
 Defendant. ) 12:24 p.m.

VOLUME 4

## TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE EDMOND E. CHANG, and a Jury

APPEARANCES:

For the Plaintiff: HON. JOHN R. LAUSCH, JR.  
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1 (Proceedings heard in open court. Jury out.)

2 THE COURT: Court resumes in session.

3 19 CR 486. Since we did take a break, let's just get  
4 appearances again for the government.

5 MS. KELLY: Erin Kelly for the United States.

6 MR. JONAS: Barry Jonas for the United States.

7 THE DEFENDANT: Robert Haas.

8 MS. SINGER: Dena Singer.

9 (Pause.)

10 THE COURT: Can you just make sure they're turned on?

11 MS. KELLY: My green light is on.

12 THE COURT: All right. Great. I did read it to the  
13 parties just a few minutes ago off the record so they could  
14 start thinking about it. Question number one was, "Was Haas  
15 banned from Facebook and Instagram, and was that admitted into  
16 evidence?"

17 Question two asks, "May we have one highlighter per  
18 juror?" And it's signed literally, "Jury foreperson." It  
19 does not have a name attached to it.

20 Okay. So what's the government's take?

21 MR. JONAS: Judge, for your information, there was,  
22 part of the recordings played with Agent Noordeloos, I believe  
23 the defendant told Agent Noordeloos that he was banned from  
24 Facebook. Having said that, I don't think it's something the  
25 Court should be pointing out. I think the response should

1 simply be, "You have all the evidence that's been admitted."

2 THE COURT: Mr. Haas?

3 THE DEFENDANT: I was banned for Holocaust denial and  
4 having multiple accounts. I -- I think the jury should know  
5 that if it's in the -- if it's in the evidence.

6 THE COURT: Okay. So I think the key here is to --  
7 obviously, number one, put in any fact that is not already in  
8 evidence but actually, secondly, whether it's in evidence or  
9 not, it's not appropriate to remind the jury whether it is or  
10 it isn't. And then what that engenders is like a running Q  
11 and A about what the facts are. And that's not appropriate  
12 during jury deliberations, of course.

13 And so what I propose to tell them is to say, "In  
14 response to the first question which related to Facebook and  
15 Instagram, you must rely on your memory of the evidence,"  
16 period. And then, of course, that we'll provide highlighters  
17 for each juror.

18 So do you have any objection to that from the  
19 government?

20 MR. JONAS: No, your Honor.

21 THE COURT: Mr. Haas?

22 THE DEFENDANT: No, your Honor.

23 THE COURT: Okay. That will be the response. All  
24 right. Thanks.

25 (Recess from 12:26 p.m. to 12:54 p.m.)

1 (Proceedings heard in open court. Jury out.)

2 THE COURT: The court resumes in session. 19 CR 486,  
3 United States versus Haas. Just appearances once again,  
4 please.

5 MS. KELLY: Erin Kelly for the United States.

6 MR. JONAS: Barry Jonas for the United States.

7 THE DEFENDANT: Robert Haas.

8 MS. SINGER: Dena Singer.

9 THE COURT: All right. Good afternoon again.  
10 Okay. Another note. This is probably the kind of  
11 thing I would have handled by phone, but we do need to bring  
12 Mr. Haas into court for each one.

13 It asks, "Can we have clarification on what these  
14 are?" And then it says, "Title 18, United States Code,  
15 Section 115(a)(b)." And then it's got, "Title 18, United  
16 States Code, Section 875(c). Listed at bottom of each count,  
17 is there a definition of those?" And it's signed, it looks  
18 like a squiggly, "Jury foreperson."

19 So I believe what the jury's referring to is on the  
20 bottom of the indictment, each count, there's a "in violation  
21 of," and then it lists out the statutory citation. So I guess  
22 they're just being extra careful.

23 What I propose to tell them is: "In response to your  
24 question, those are references to the federal criminal laws  
25 alleged to be violated in each count, but the jury

1 instructions do already provide the elements of those crimes  
2 and the definitions of the terms in those crimes."

3 Any objection from the government?

4 MR. JONAS: No, your Honor.

5 THE COURT: Mr. Haas?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: All right. Thank you.

8 (Recess from 12:58 p.m. to 2:10 p.m.)

9 (Proceedings heard in open court. Jury out.)

10 THE COURT: The court resumes in session. 19 CR 486,  
11 United States versus Haas.

12 Let's get appearances again for the government.

13 MS. KELLY: Erin Kelly for the United States.

14 MR. JONAS: Barry Jonas for the United States.

15 THE DEFENDANT: Robert Haas.

16 MS. SINGER: Dena Singer.

17 THE COURT: All right. Good afternoon. I received a  
18 note which says as follows. It says: "First, we have  
19 completed deliberation and voted accordingly," which I  
20 interpret as they have a verdict. And then it says: "Second,  
21 we are concerned about our general safety as the defendant has  
22 reviewed the juror survey forms and has our name, hometown,  
23 etcetera. What, if any, security protocols are in place? Who  
24 do we contact if we are subject to any threats from  
25 defendant?" And it's signed, "Jury foreperson."

1           So as to the second question, this does come up from  
2 time to time after a trial. What I usually tell the jurors is  
3 to call 911 if there's an immediate threat. And if it's not  
4 imminent, they can call the investigating agency on the case.  
5 And I do plan to tell them that Mr. Haas does not have the  
6 juror forms anymore. He gave them back to us.

7           So is there any objection to that -- and I'm not -- I  
8 don't plan on doing this in writing. I would just tell them  
9 that. Is there any objection to that from the government?

10           MS. KELLY: No, your Honor.

11           THE COURT: Mr. Haas, do you have any comments?

12           THE DEFENDANT: No, your Honor.

13           THE COURT: Okay. Let's get the jury.

14           (Proceedings heard in open court. Jury in.)

15           THE COURT: All right. Please be seated.

16           Okay. Ladies and gentlemen, I understand you have a  
17 verdict. And with my Sherlock Holmes deduction skills, it  
18 looks like Mr. Burger has the verdict form.

19           So let me explain the process here. In a moment,  
20 I'll ask you to hand the verdict form to the court security  
21 officer, and then he'll hand it to me. Then I will do what's  
22 called publish the verdict. And that means that simply I'll  
23 just read out loud what the verdict is.

24           After publishing it, the jury will then be polled by  
25 the courtroom deputy. And what this consists of is that he'll



1 call each of you up one by one by name. He'll ask you to  
2 stand, and then he will ask you, "Was this and is this now  
3 your verdict," all right, what I just said. So we're just  
4 confirming that each of you voted in favor of the verdict as  
5 I've published it. Okay. So then publish and then poll.

6 All right. Please hand the verdict to the court  
7 security officer.

8 All right. The verdict is as follows: "We, the  
9 jury, find the defendant, Robert Anthony Haas, guilty on all  
10 13 counts." The signature page is signed by each of the  
11 jurors, and it is dated today. All right.

12 Mr. Wing, please poll the jury.

13 THE CLERK: Elizabeth Reihl, was this and is this now  
14 your verdict?

15 JUROR REIHL: It is.

16 THE CLERK: Claudie Phillips, was this and is this  
17 now your verdict?

18 JUROR PHILLIPS: It is.

19 THE CLERK: Pei Li, was this and is this now your  
20 verdict?

21 JUROR LI: Yes.

22 THE CLERK: Jonathan Reyes, was this and is this now  
23 your verdict?

24 JUROR REYES: Yes.

25 THE CLERK: Amanda Pollock, was this and is this now

1 your verdict?

2 JUROR POLLOCK: Yes.

3 THE CLERK: Jennifer Kriss-Poncin, was this and is  
4 this now your verdict?

5 JUROR KRISS-PONCIN: Yes, sir.

6 THE CLERK: Guadalupe Zavala, was this and is this  
7 now your verdict?

8 JUROR ZAVALA: Yes.

9 THE CLERK: Justin Burger, was this and is this now  
10 your verdict?

11 JUROR BURGER: Yes, sir.

12 THE CLERK: Julia Fears, was this and is this now  
13 your verdict?

14 JUROR FEARS: Yes.

15 THE CLERK: Elizabeth Boyd, was this and is this now  
16 your verdict?

17 JUROR BOYD: Yes.

18 THE CLERK: Laura Dietz-Pfister, was this and is this  
19 now your verdict?

20 JUROR DIETZ-PFISTER: Yes.

21 THE CLERK: Asra Muben, was this and is this now your  
22 verdict?

23 JUROR MUBEN: Yes.

24 THE CLERK: And so say you all?

25 THE JURY: Yes.

1           THE COURT: All right. Ladies and gentlemen, let me  
2 express my deepest thanks for your service. This was the  
3 first jury trial that has been held in this courthouse since  
4 early March. It's the first one after the pandemic. So you  
5 have shown extraordinary dedication to serving your community.  
6 It makes me proud to be an American.

7           I am going to ask you to just extend your service a  
8 bit longer so that I can meet you back in the ceremonial  
9 courtroom. I have a few things to take care of with the  
10 parties here. I want to give you a certificate of  
11 appreciation which evidences your jury service. I'll answer  
12 what questions I can. There are limits on what I can tell  
13 you, but I also am going to solicit constructive criticism of  
14 the process so that we know how to do this better going  
15 forward as well.

16           All right. So please do wait for me. And I'll just  
17 be a few minutes. Thank you again.

18           All rise.

19           (Proceedings heard in open court. Jury out.)

20           THE COURT: All right. Please be seated.

21           Okay. Mr. Haas, so we're going to give out a  
22 sentencing date first, and then I'll fill in some other  
23 deadlines.

24           THE CLERK: November 3rd at 1:30.

25           THE COURT: Okay. So Mr. Haas, there is such a thing

1 as posttrial motions under Federal Rules of Criminal Procedure  
2 29 and 33. If you want to file a motion like that, then you  
3 can certainly continue to consult with Ms. Singer. They are  
4 usually due within 14 days after the verdict is issued.  
5 However, I can extend the time.

6 So do you want me to extend the time, or do you think  
7 you can prepare them, if you're going to file any, within the  
8 14 days?

9 THE DEFENDANT: I would like you to extend the time.

10 THE COURT: Okay. So let me ask this because it may  
11 be relevant to how much time. Are you trying to get the  
12 sentencing as quickly as possible or --

13 THE DEFENDANT: I am, but at the same time, I don't  
14 have access. I'm on quarantine now.

15 THE COURT: Right. That's true. And I think they're  
16 going to quarantine you for another 14 days. So let's balance  
17 this a little bit. I might have to push the sentencing date  
18 out to give you enough time to prepare these. So let's do the  
19 following.

20 The posttrial motions, instead of 14 days, let's make  
21 them due September -- let's go for 14 right now. Okay. So  
22 that's more than a month. September 14. It's a Monday. Get  
23 the government's response by September 28th.

24 THE DEFENDANT: Excuse me, your Honor.

25 THE COURT: Yes.

1           THE DEFENDANT: Let's just forget the posttrial  
2 motions and go with the sentencing. The extension, forget the  
3 extension.

4           THE COURT: Okay. It's your choice. You may want to  
5 confer with Ms. Singer on that. If you change your mind, you  
6 can file a motion to set a schedule, but it may have an impact  
7 on the sentencing. All right. So November 3rd for the  
8 sentencing.

9           The sentencing memoranda, I usually have simultaneous  
10 briefs, but let's do this a little differently given Mr. Haas'  
11 pro se status. So we'll start with the government filing a  
12 sentencing memo September 29. Mr. Haas can respond by  
13 October -- here, let me back it up a little bit, September 22.  
14 The response by October 13. Any reply by October 20.

15           Okay. I am also going to have to confer with the  
16 probation office to make sure these dates aren't so -- aren't  
17 too aggressive. So just look for the legal mail. It might  
18 change if the probation office can't do this in time.

19           Okay. The other question I have, though, Mr. Haas,  
20 is, do you want me to reappoint a lawyer for sentencing  
21 purposes?

22           THE DEFENDANT: I do.

23           THE COURT: Okay. Now, this would not be, again,  
24 hybrid representation. Like, if I appoint a lawyer for  
25 sentencing, then that's the lawyer on the case. You cannot

1 file pro se motions or briefs and so on. And the lawyer will  
2 be confined, as lawyers always are, to follow the rules of  
3 ethics and the rules of criminal procedure and so on.

4 So you do want me to appoint a lawyer for you for  
5 sentencing?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Now, Ms. Singer, are you willing to come  
8 back in the case as now counsel of record for sentencing?

9 MS. SINGER: Yes, your Honor. Just for  
10 clarification, though, is that for posttrial motions and  
11 sentencing or just sentencing?

12 THE COURT: You're free to confer with him on whether  
13 he wants to file posttrial motions. And if he does, then I'm  
14 happy to have you work on those, too.

15 And so Mr. Haas, just to be clear, if Ms. Singer  
16 becomes your attorney for sentencing purposes and then if you  
17 change your mind and you want to file posttrial motions, she's  
18 your lawyer so there's not -- again, it would not be hybrid,  
19 you represent yourself for posttrial motions, she represents  
20 you for sentencing. She would be your lawyer. So do you  
21 understand those conditions?

22 THE DEFENDANT: I do.

23 THE COURT: Okay. And if you're going to file  
24 posttrial motions after talking to Mr. Haas, please as quickly  
25 as possible file a motion to set a briefing schedule so that

1 we can square the dates. All right?

2 MS. SINGER: Your Honor, I would anticipate, if I'm  
3 the lawyer, filing posttrial motions.

4 THE COURT: That's fine. If you want to set the  
5 dates now, that's fine. I just -- I think that's one of those  
6 motions that the defendant probably does have control over in  
7 terms of a yes or no but --

8 MS. SINGER: I can -- I'm sorry.

9 THE COURT: If you want to provisionally set a  
10 schedule, I'm happy to do that.

11 MS. SINGER: I mean, I'm happy to speak with him,  
12 your Honor, and then I'll file a motion to extend if we need  
13 to, but I don't even know, you know --

14 THE COURT: So how much time do you want then?

15 MS. SINGER: Well, why don't -- you can leave the  
16 schedule as it is. I'll speak with him between now and -- you  
17 know, within the next few days about posttrial motions. And  
18 then I can file whatever I need to with the Court if I need to  
19 request, you know, time.

20 THE COURT: Okay.

21 MS. SINGER: If you want to set the 14 days for the  
22 posttrial motions now to be due and then if I need to extend  
23 them, I can ask to extend them.

24 THE COURT: Oh, I see. All right. So August 20 for  
25 any Rule 29 and 33. I will get the responses September 8th

1 and any replies by September 22. Okay. Ms. Singer is  
2 reappointed.

3 Okay. Anything else for the government?

4 MS. KELLY: No, your Honor.

5 THE COURT: Mr. Haas or Ms. Singer? Mr. Haas?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Ms. Singer?

8 MS. SINGER: Not at this time.

9 THE COURT: All right. Okay. Thank you.

10 (Proceedings adjourned at 2:26 p.m.)

11 \* \* \* \* \*

12 C E R T I F I C A T E

13 I, Judith A. Walsh, do hereby certify that the  
14 foregoing is a complete, true, and accurate transcript of the  
15 proceedings had in the above-entitled case before the  
16 Honorable EDMOND E. CHANG, one of the judges of said court, at  
17 Chicago, Illinois, on August 6, 2020.

18  
19 /s/ Judith A. Walsh, CSR, RDR, F/CRR September 11, 2020

20 Official Court Reporter  
21 United States District Court  
22 Northern District of Illinois  
23 Eastern Division  
24  
25